

SENATE—Tuesday, May 7, 1991*(Legislative day of Thursday, April 25, 1991)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Assistant to the Chaplain, the Reverend John E. Stait, offered the following prayer:

Let us pray:

And it shall come to pass, if thou shalt hearken diligently unto the voice of the Lord thy God, to observe and to do all his commandments which I command thee this day, that the Lord thy God will set thee on high above all the nations of the Earth: And all these blessings shall come on thee, and overtake thee, if thou shalt hearken unto the voice of the Lord thy God.—Deuteronomy 28:1-2.

Almighty God, forgive us for our lack of diligence in listening to Your voice. We so easily stray away from true righteousness in our efforts to balance rights, legal technicalities, and political expediency. Help us to see the consequences of compromise with the pragmatic.

You have blessed us with blessings beyond what we have rightfully earned or merited. Help those in the Senate who labor to legislate what is right. Help them to hear and to harken unto the Lord thy God, that we and our beloved children might experience and thankfully appreciate future blessings rather than the consequences.

In the name of Him who is the only wise God, be blessing forever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC., May 7, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE SCHEDULE

Mr. MITCHELL. Mr. President, under a unanimous-consent agreement entered 12 days ago, at 9:30 this morning the Senate is to proceed to the consideration of Senate Resolution 117, a sense-of-the-Senate resolution relating to agricultural export credit guarantees to the Soviet Union. The sponsor of the resolution is Senator DOLE. Interest in the matter was expressed by Senator DECONCINI and Senator BRADLEY, both in opposition to the resolution.

Under the unanimous-consent agreement, no amendments to the resolution are in order. Three hours of debate are scheduled, with 1 hour under the control each of Senator DOLE, Senator DECONCINI and Senator BRADLEY, and a vote on or in relation to the resolution is scheduled to occur at 2:15 p.m.

Immediately following that vote, a vote is scheduled to occur on the motion to invoke cloture on the motion to proceed to S. 429; that is the retail price maintenance legislation, offered by Senator METZENBAUM.

Mr. President, none of the principals with respect to Senate Resolution 117 are on the floor at this time, and, accordingly, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of Senate Resolution 117, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 117) to express the sense of the Senate that the administration should expeditiously and prudently act upon the Soviet Union's request for agricultural

export credit guarantees from the United States.

The Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Senator from Maine suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TWO STRICKEN LEADERS

Mr. BYRD. Mr. President, all of us were duly concerned this past weekend to learn that President Bush had experienced "atrial fibrillation," a sudden surge of the electrical impulses in the upper heart chambers that regulate the heartbeat itself.

The physicians' initial prognoses for the President's full recovery of a normal heartbeat rate are good, and for that we are all thankful. President Bush's return yesterday to the White House was a good portent, and we are all heartened to see him resume part of his normal schedule of responsibilities.

Similarly, I know that our colleagues join me in praying for the full recovery of our beloved Senate Chaplain, Dr. Richard C. Halverson, who has suffered a heart attack.

In the years that Dr. Halverson has served as our Chaplain, he has made lasting impressions on hundreds of people who are members of the larger Senate family. Through his unassuming, selfless attitude and his buoyant spirit, Dr. Halverson has positively affected the esprit de corps of the United States Senate. More than a pastor to us, Dr. Halverson has been our friend, and for that and all of his contributions to our community life, we are grateful and thankful. May Dr. Halverson likewise mend fully and resume quickly his place among us.

I miss him.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The President pro tempore of the Senate, the Senator from West Virginia [Mr. BYRD] suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

PROJECT 88/ROUND II

Mr. WIRTH. Mr. President, 3 years ago, the late Senator John Heinz and I worked together for the better part of a year producing a major study entitled "Project 88: Harnessing Market Forces To Protect Our Environment, Initiatives for the New President."

The purpose of Project 88 was to attempt to examine ways in which we might use forces of the marketplace to help us solve environmental problems. Senator Heinz and I believe that we had unleashed marketplace forces on a whole variety of other issues in the country, and there was no reason not to do so on the environment.

We went out and raised a good deal of money and retained a group led by Rob Stavins a very distinguished assistant professor at the Harvard Kennedy School, and out of that, working with some 150 environmental and economic leaders from around the country, produced Project 88.

The results of Project 88 have not only been heartening but strikingly so. Perhaps, its greatest single accomplishment was the development of a tradable permit system, which was used by President Bush in the introduction of the Clean Air Act and credited by many with breaking the logjam that had for so long plagued the revision of the Clean Air Act. We had enormous difficulties coming up with an equitable way in which utilities in the Middle West, which were more polluting utilities, older, could be brought to a cleaner state in a way that would be economically viable and fair to them.

The tradable permit system, outlined in Project 88, became the key for breaking this logjam, and it was credited for doing so by President Bush when he introduced the Clean Air Act in the summer of 1989 at the White House.

There had been a variety of other initiatives and marketplace incentive approaches that came out of the initial Project 88. Bill Reilly, the Director of the EPA, has set up an economic incentive working group. Similar groups have been set up by most of the Common Market countries. And the approach of attempting to look at economics and the environment together has been broadly accepted, after being greeted with a great deal of skepticism when we first introduced this set of ideas.

I am pleased today to release Project 88/Round II, a second iteration of the ideas that Senator Heinz and I started

3 years ago in which we followed a very similar pattern. Obviously, Senator Heinz is not with us, but I think we can all be very proud of the work which he did, and this volume which is dedicated to him.

This is entitled "Project 88/Round II." I might add, Mr. President, the purpose of naming it Project 88 was to develop various models for whoever might become President in 1988. This is called Project 88/Round II: Incentives for Action: Designing Market-Based Environmental Strategies.

Senator Heinz and I, again, raised the funds, and Professor Stavins was, for the second time, the coordinator of the Project 88/Round II Program. We worked with some 140 environmental leaders, people in Government and the private sector and nongovernmental organizations in coming out with Project 88/Round II, which I am releasing today and which is dedicated to Senator Heinz.

As the first Project 88 was taking a broad sweep across some 36 environmental issues, what we have done in Round II is to pick three: solid and hazardous waste disposal recycling, public lands, and global warming. We have focused in some detail on various approaches that can be used to begin to solve, in a more economic way, these programs, these major projects that exist in the solid waste area, in the public lands area, and in global warming.

Let me give a few examples of the kinds of things we might do. Senator Heinz and I together introduced four bills related to solid waste disposal; one on newspaper recycling, one on tire recycling, one on lead acid batteries, and a fourth one on used oil. In each one of these areas, Mr. President, we have attempted to design how you can create markets for these products.

It does not do any good for us to put our newspapers on the curbside and have them picked up separately if, in fact, they end up going into the same landfill because there is no market for recycled paper. Legislation which we have introduced tries to develop and figure out ways in which we can develop a market.

Public policy says there should be a certain percentage of recyclable paper, just as we said with acid rain we are going to reduce sulfur dioxide by a certain amount and public policy sets the goal, and there are various economic ways of better achieving that goal. There is a similar approach for used oil. To create a market for this, we have been working with the oil industry.

About 80 percent of lead acid batteries are recycled, but we have an enormous waste stream going into landfills which are dangerous with lead.

There are some 200 million tires put into the waste stream every year. How

might we go about using the barrel or two of oil that is available in fueling powerplants and recycling those in various materials?

So we have taken on a series of issues. Those are just four examples. Others are related to how waste treatment might be eliminated, what kind of incentive programs might be set up in the public sector to make sure our waste dumps are not filled up rapidly, incentives to have smaller packaging, and for people to be very careful what they put in the waste streams. That in turn backs up to get manufacturers and packagers to be more careful about the products they use.

The first part of Project 88/Round II relates to municipal and solid waste. The second part of it focuses on the public land in which I think most observers of our national use of the public lands understand there are some major changes that have to be made in the way in which we manage our public resources. We focus, in this, particularly on two of those, Mr. President. My colleagues have heard me talk extensively about these and we have attempted various legislative initiatives. One of those is related to the Timber Program.

Senator FOWLER and I last year and the year before had legislation to lower the amount of public money going into what are called below cost timber sales in which the taxpayers are effectively subsidizing the timber industry and the timber industry in turn is probably doing a great deal of damage beyond the economic return to many of our public forests in areas where timbering is not economically viable.

We have various models in here as to how that might change and how we might ameliorate the impacts on affected communities that are currently dependent on the timber industry; as the timber industry changes, how might those impacts be limited.

Second, we look at water projects and the use of water in the West where the prior appropriations doctrine makes it very difficult for people using water to, in effect, conserve that water. If they conserve that water and do not use it, it goes downstream to the next user. Are there ways in which we can create better cooperative arrangements between municipalities to help pay agricultural communities for using their water more efficiently, the municipality gets the water that is used, and we do not have situations like we have in most of the West? Probably the most favorite example is the Chinatown example from the movie in which the Owens Valley was dried up in Los Angeles.

Similar things are happening in the State of Colorado.

We see the Arkansas River valley being dried up as municipalities are buying all the water and transferring it into municipal water systems. There

are ways of doing this in a more cooperative fashion so we have water from municipalities and also can, through much more effective use of that water in agricultural areas, keep those areas in agricultural production.

So the public lands area demands a great deal of attention. We still have a lot more work to be done, but we have developed a number of ways of beginning to think differently about the public land in Project 88/Round II.

The third broad area we focus on, Mr. President, is global warming, an issue that is coming out very rapidly in the globe. Despite the protestations of Mr. Sununu and Mr. Darman in the White House, the problem is very real and the scientific community around the world is deeply alarmed by this, as illustrated by the report out about a month ago from the National Academy of Sciences chaired by former Senator Dan Evans in which we had a very distinguished group of scientists from across the country looking at the issue of global warming.

In June 1992, there is going to be the most important international conference on the environment ever held in the world, to be held in Brazil. At that conference, we will see major leaders from around the world, and we hope this administration chooses to send more than a deputy assistant secretary and that we are well represented there. There will be heads of state from all over the world in Brazil in the summer of 1992.

One of the major issues that will be focused on is the question of greenhouse gas emissions. The chances are, coming out of that will be great pressure to develop an agreement on greenhouse gas emissions overall, not only carbon dioxide but the other gases that are greenhouse forcing; that if that agreement comes about, we have developed a template in Project 88/Round II for how emissions trading and technical transfer might occur between the developed nations and the developing nations. It is a very important concept, a terribly, terribly important sharing of technology between the developed and the developing world, and something we must do.

We have brought up a number of other strategies for how the developing world and the developed world might get together and come to agreement once the political goal is set that we want to limit greenhouse gases. We hope that happens. Once that decision is made, how do we go about doing it in the most cost-effective fashion?

We also developed in here, Mr. President, a program for dealing with carbon dioxide. It may well be that in the not distant future there will be an international agreement as well on carbon dioxide emissions, much as there was in the Montreal protocol on the emissions of chlorofluorocarbons.

At the Montreal protocol, a lot of nations got together and agreed on the limitation program. That may happen in the area of carbon dioxide. We have developed in Project 88/Round II a number of mechanisms by which we could in the most cost-effective and equitable fashion reach the goal of limiting emissions of carbon dioxide internationally.

Mr. President, Project 88/Round II is dedicated to Senator Heinz, who was a deep believer in the process of taking the disciplines of economics and the signals of the marketplace and focusing them on various environmental problems. I am very proud to be able to release that report today.

This issue of economic incentives has very broad credibility across this administration. A number of people in OMB and the White House, Department of the Interior, at the Justice Department and, of course, at the EPA have become great fans in this.

We have involved in this a number of people from EPA who helped us put this together. We have a lot of environmental groups. Many who were skeptical in Project 88/Round I are now involved in this.

A special thanks go to the people from environmental defense fund who have been particularly helpful and innovative in working through a variety of innovative strategies.

I ask unanimous consent to print in the RECORD a summary of the Project 88 in the form of a press release, a brief description of Project 88 and, finally, a copy of the foreword and the executive summary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WIRTH UNVEILS PROJECT 88/ROUND II: INCENTIVES FOR ACTION: DESIGNING MARKET-BASED ENVIRONMENTAL STRATEGIES

WASHINGTON, DC.—Senator Tim Wirth (D-Colo.), on behalf of himself and the late Senator John Heinz (R-Pa.), today released a new in-depth study of market-based environmental protection strategies to prevent global warming, address solid and hazardous waste problems, and manage public lands.

Project 88—Round II, Incentives for Action: Designing Market-Based Environmental Strategies is the product of more than 100 contributors working through Harvard University's John F. Kennedy School of Government, under the sponsorship of the two Senators.

"This report is an attempt to put a 'green thumb on Adam Smith's invisible hand,'" said Wirth, who is a member of the Senate Energy Committee and is the author of a comprehensive national energy policy bill. "It looks in depth at new approaches to dealing with three urgent environmental problems which have eluded solution by traditional policy measures."

The report is dedicated to Senator Heinz, who was tragically killed in an airplane accident on April 4, 1991. "This report is the fruit of his work and a memorial to his contribution to environmental protection," Wirth said. "John Heinz was dedicated to the task of finding better ways to tackle our na-

tion's—and the world's—environmental problems."

The original *Project 88: Harnessing Market Forces to Protect Our Environment*, released in December 1988 by Wirth and Heinz, laid out new ideas to harness the powers of the marketplace to apply to 13 environmental and natural resource challenges. The report's recommendations were addressed to the incoming Bush Administration and are credited with helping the President resolve the long-standing debate on how to allocate responsibility for cleaning up emissions that cause acid rain. When introducing his Clean Air proposals at the White House on June 12, 1989, President Bush said, "Let me commend Project 88 and groups like the Environmental Defense Fund for bringing creative solutions to long-standing problems, for not only breaking the mold, but helping to build a new one."

"Project 88 was enormously successful," Wirth said. "The report's impact can be seen in the Clean Air Act President Bush signed last year, in the incentives task force set up by Bill Reilly at EPA, and in the tremendous interest in market-oriented pollution strategies shown by leaders in Canada, Great Britain, and both Western and Eastern Europe."

Where *Project 88* was a broad, conceptual examination of market-based environmental strategies, *Project 88—Round II* examines three pressing environmental challenges in depth. The current study looks closely at designing and implementing effective market-based environmental strategies to address these issues.

Project 88—Round II involved more than 100 experts from private industry, academia, environmental organizations, and government agencies. Under the direction of Dr. Robert N. Stavins, an economist and professor of public policy at Harvard University's John F. Kennedy School of Government, this team participated in this year-long effort to produce a comprehensive examination of market-based strategies to fight global warming, improve solid and hazardous waste management, and improve natural resource management by the federal government. Many of these same persons worked with Dr. Stavins on the first *Project 88* report under the leadership of Senators Wirth and Heinz.

GLOBAL WARMING

International trading program.—The report concludes that an international trading program in greenhouse gases would be an effective way of allocating the costs of global warming prevention among nations. Under an international trading regime, nations would be given individual targets and allowed to achieve them by reducing emissions or purchasing credits from others who could more economically reduce them.

The report finds that this approach would ensure that reductions would be achieved at the least total cost and would help ensure that no nation or group of nations was unduly burdened by the costs of emission reduction.

Broad-based energy charges.—The report examines the pros and cons of broad-based energy charges, such as carbon and British Thermal Unit (BTU) charges, as a means to reduce emissions of greenhouse gases.

Comprehensive environmental least-cost bidding.—The report concludes that comprehensive least-cost bidding to supply energy services, including both supply and demand side energy resources, could also greatly aid the cost-effectiveness of efforts to reduce greenhouse gas emissions.

SOLID AND HAZARDOUS WASTE MANAGEMENT

Unit-pricing for waste collection.—The report describes programs that charge residents and businesses by the volume of waste generated to more accurately reflect the costs of waste collection and disposal. Such unit pricing programs provide consumers and businesses with an economic incentive to reduce their trash disposal by recycling and other means. Unit pricing programs are in place in Seattle and Tacoma, Washington, as well as Perkasie, Pennsylvania.

Retail disposal charges.—The report examines the use of retail disposal charges, which would levy a fee at the point of product purchase to cover the costs of waste disposal. Such programs can be used where curbside collection programs are impractical or where the full costs of disposal are not reflected by the product's volume.

Virgin material charges.—A third strategy for solid waste management is the imposition of virgin material charges at the point of production. This strategy would impose the costs of disposal up front to encourage firms and consumers to switch to materials and products with lower disposal costs.

Recycling credit programs.—Recognizing that ambitious recycling collection programs are dependent on markets for used products, the report recommends recycling credit programs that set recycled content goals for industry and allow the private sector to determine the least-cost approach for meeting the goal. The report examines programs for newsprint, used oil, and lead batteries, under which firms could trade and sell credits to reach overall industry recycling goals.

Deposit-refund programs.—These programs are explored as a mechanism for reducing litter and illegal dumping. These programs would impose a deposit on hazardous products to be refunded after the product has been turned in for recycling or proper disposal. Recognizing the current use of this approach in "bottle bills" in nine states, the report investigates potential applications for lead-acid batteries, used oil and industrial solvents.

Local referenda to site waste facilities.—Given the enormous difficulty in siting solid and hazardous waste facilities, the report suggests state use of binding local referenda to approve or reject planned waste handling or disposal facilities. This proposal would allow the compensation and mitigation terms to be known in advance and prevent time-consuming and costly delays in siting waste facilities.

NATURAL RESOURCE MANAGEMENT

Implementing water markets.—The report recommends removing institutional barriers to water marketing which interfere with economically sensible water conservation and environmental protection, and prevent voluntary exchanges of water among urban and agricultural users.

Elimination below-cost timber sales.—The report recommends decentralizing management of the national forests to allow local foresters to generate revenues from recreational and other uses of forest lands. Below-cost timber sales cost the federal treasury millions of dollars per year while providing perverse incentives for excessive logging on public lands. The report recommends that as below-cost sales are phased down, counties be paid a fixed share of total Forest Service receipts—linking payments to counties for foregone tax revenues to all forest uses, not just timber sales.

TALKING POINTS

Project 88 was developed by John Heinz and me to find new ways of meeting our environmental goals. This report, like the original one, was not intended to set those goals, but rather to look at the most cost-effective and economically sound ways of meeting those goals.

Project 88 was enormously successful. It was widely discussed in the media. It was embraced conceptually by the Administration. Soon after our report was released, we were talking with Bill Reilly and Boyden Gray about it and looking for applications. The Administration picked up on these ideas and developed a credit trading proposal for acid rain precursors that instantly tore down the opposition to acid rain legislation.

Bill Reilly has established an incentives task force at EPA and they are looking at these ideas. Interestingly enough, the Administration, which has largely ducked the global warming issue, is looking at an international trading program to reduce greenhouse gas emissions.

Finally, the ideas in the report have been picked up throughout Europe, most interestingly in Eastern Europe.

After Project 88 was released, we hosted with Harvard a major conference on market-based environmental strategies. At that conference, it became clear that three areas were particularly well suited for market-based solutions: global warming, waste management and the public lands. Therefore, Senator Heinz and I, together with Rob Stavins, initiated a new round of the project looking at those issues.

Substantively, the report looks at the design and implementation issues associated with market-based solutions in each of these areas. That means, again, that we did not try to determine if global warming should be addressed and if so at what level. Rather, the report suggests least-cost strategies for national and subnational government.

GLOBAL WARMING

First the report recommends the use of an international trading program to ensure that any global efforts to reduce greenhouse gas emissions are cost-effective and equitable. We recognize that responding to this issue is an enormous task. To reach our goals economically, we should be allowing firms and individuals to find reductions in Bombay as well as Boston. The effects of the problem are global, the causes of the problem are global, therefore the solution to the problem can be global. An individual who reduces carbon dioxide emissions by halting deforestation or planting trees in Brazil should be able to generate credits to offset emissions elsewhere around the world. This will ensure that the cheapest control strategies are found.

Second, we looked at broad-based energy taxes, such as carbon charges. The carbon charge is very controversial and probably is not sufficiently mature to implement at this time. I know that I would like to see some additional analysis. Nonetheless, the report finds that broad-based energy taxes, as we all know, are effective and efficient means of influencing emissions by encouraging the use of less polluting fuels (natural gas emits about half the CO₂ compared to coal, and petroleum emits about three-fourths as much).

One of the most interesting proposals in this section is the idea of shifting taxes away from socially desirable activities such as labor, capital formation and corporate activity and toward socially undesirable activity like pollution and energy use. Because a broad-based energy tax generates such enormous

revenue, it is possible to craft a carbon charge that can be used to reduce payroll taxes (which tax us for working), Social Security taxes, and corporate taxes. This kind of revenue-neutral approach has promise for offsetting some of the economic impact associated with a carbon charge.

But we also have to recognize that this kind of an approach has very real implications for certain regions and segments of the country. The coal industry has every right to fear these proposals. And clearly if we were going to impose a carbon charge, we would have to develop a retraining and compensation package for displaced workers—you can bet that Senator Byrd will ask for it and so would I.

Finally, the report looks at comprehensive least-cost bidding. This idea is ripe for implementation right now. We are finding more and more evidence that there is no difference between investments in energy supply additions and energy demand reductions. Indeed, investments in energy efficiency has a number of benefits for the environment. Unfortunately, our laws and regulations tend to discourage energy efficiency investments. We are working on removing some of those disincentives in the Senate Energy Committee. And this report urges states to do the same by allowing energy efficiency to compete in the auctions many states are using to acquire new energy resources. There is no reason to exclude them, in fact there are economic and environmental reasons why they should and must be included.

SOLID AND HAZARDOUS WASTE

This is one of the most perplexing problems we face. There is a great deal of activity at the state and national level on solid and hazardous waste management. Unfortunately, so much of that work continues to focus on traditional command and control approaches. At the same time, these efforts never get at the problem—the demand side of the equation. We have got to send the right signals to the marketplace.

When you or I put out our garbage every week, for example, we have no idea what it costs to dispose of. We know what it costs to buy a disposal camera, for example, but not what it costs to throw it away. No signal is being sent that would influence our behavior. One of the things we recommend in this report is the use of unit-pricing programs where households would pay for disposal based on the volume of waste they generate. If you generate 30 gallons a week, you pay \$5–60 gallons costs \$10 and so on. These programs have been used in the State of Washington and in Perkasie, Pennsylvania and have reduced curbside collection by upwards of 60 percent. People have an incentive to recycle and reduce waste.

Another approach for products that are not picked up curbside or that are particularly hazardous is to impose a disposal charge at the point of purchase.

Finally, virgin materials charges can be levied to send the right signal to the marketplace up-front. In this way, we can direct the marketplace to recycled materials and ensure that products more accurately reflect their true costs.

Next the report looks at recycling credit programs. These are ideas picked up in a bill Senator Heinz and I introduced earlier this year. Essentially, these programs set recycling goals and allow industry to buy, sell and trade credits among themselves to reach that goal.

On the issue of hazardous waste, we have to look less at recycling and reuse and be concerned with safe disposal. The report rec-

ommends the use of deposit-refund systems which would ensure that the purchaser of a hazardous waste has an incentive to dispose of that product safely and legally. That would be the only way to get your deposit back. It also encourages efficiency in the system by discouraging waste. Finally, it would probably have the effect of speeding up the search for substitutes.

PUBLIC LANDS

This report looks at two key issues in public resource management that could be very important to the future of the west.

The first issue is the potential use of water trades to get more out of the water resources we have already developed in the west.

The report points out that if we can get federal and state institutions to make some changes in how they deal with water transactions, we can create win-win situations where we can increase the amount of water available for productive use from existing projects, increase the efficiency of agricultural water use (which uses 75% of the water in the west) and perhaps even increase returns to the Treasury at the same time.

The classic example of this is where cities—which are willing and able to pay \$600 or more for an acre-foot of water—pay for improvements in agricultural water use that save water, and are given water in exchange.

This enables farmers to install improvements such as lining canals to stop leakage and installing super-efficient irrigation systems that use less water, which they couldn't make pay on their own (both because they can't afford to pay that much for water, and because they risk losing title to any part of their water that they don't put on the ground).

Cities get water for less than they would pay to build environmentally damaging new water projects; farmers farm more efficiently and earn money from the cities; and the farmland is better off because using less water helps slow salinization of soils.

The second issue involves how we use our national forests. The U.S. Forest Service sells timber even when it costs them money, and it costs them plenty.

The Forest Service actually lost a million dollars a day last year on timber sales, mostly because they sold so much timber in remote, difficult to access areas that required expensive roads to be built to reach them.

Project 88 looks at this problem and suggests that we have to stop this sort of abuse of the taxpayers' money, which also takes a serious environmental toll. The Forest Service has built 343,000 miles of roads—a system 8 times larger than our Interstate Highway System, and more than a mile of road for every square mile of forest.

The study goes further, though, by looking at some possible ways of turning the economic pressures that drive this crazy process around, by focusing more attention on net revenues than on gross receipts, and also looks at some ways to address the real economic impacts of a reduced timber program on rural communities in the west.

FOREWORD

(By Senator Timothy E. Wirth)

Two years ago, the first phase of Project 88 was developed to explore the potential for market-based incentives for environmental protection. Project 88 was based on the premise that innovative new strategies were essential to the success of domestic and international efforts to address a rapidly emerging national and global environmental agenda. That report, like this one, was one of

many joint projects I had the pleasure to undertake with Senator John Heinz.

Tragically, Senator Heinz was killed on April 4, 1991, just prior to completion of this report. As Pennsylvania, the United States Senate, and the nation mourn his death, we celebrate his life. This report is the fruit of his work and a memorial to his contribution to environmental protection.

A veteran of environmental policy making for almost two decades—with a truly unique environmental and private sector perspective—John knew well the limits of traditional command and control, predominantly regulatory attempts to protect the environment. Courageously, he helped develop Project 88 because he believed that it was possible to unleash the powers of the marketplace in service of our environmental goals.

As we discussed this report with leaders from business, government, and the environmental community, three themes emerged to frame the second round of this nonpartisan effort. There was widespread agreement that three of our greatest environmental challenges—global climate change, solid and hazardous waste management, and natural resource management—are well-suited for market-based solutions. Project 88—Round II demonstrates both the promise and hurdles for market-oriented environmental strategies. While this phase of the report examines the application of market mechanisms to three specific environmental challenges, it also illuminates the broad design and implementation issues that must be considered for a variety of market-based environmental strategies.

As with the first phase, this report is the product of a staff effort led by Dr. Robert Stavins, an economist and professor of public policy at Harvard University's John F. Kennedy School of Government, and a senior research associate of its Center for Science and International Affairs. Dr. Stavins worked with an outstanding team of experts on environmental and natural resource policy from across the country. The thorough examination of the issues in this report is a result of their excellent work. We are indebted to all of these participants, as well as the reviewers from industry, academia, environmental organizations, and government agencies. In particular, Dr. Stavins deserves our thanks and praise. The honest and comprehensive examination of market-based environmental strategies in this report is attributable largely to his dedication and wisdom.

Global warming, waste management, and public land management are at once urgent yet elusive environmental challenges. Project 88—Round II seeks to make the solutions to these problems less elusive and more imminent. In this way, it resembles closely the environmental legacy of John Heinz. The Project 88 reports could not have been done without the full commitment of Senator Heinz. We dedicate this report to his leadership and the memory of his extraordinary vision for new ideas to protect the environment for our children and future generations.

CHAPTER 1—ENVIRONMENTAL POLICY FOR THE 1990'S

In many ways, Earth Day 1970 signaled the beginning of the modern era of environmentalism. By Earth Day 1990, the United States and other nations had enacted a host of environmental laws and regulations, and had made substantial gains in environmental protection. In some spheres, the environment is cleaner today than it was be-

fore. But significant domestic and global environmental challenges remain—both ongoing problems, such as solid and hazardous waste management, and newly recognized problems, including the threat of global climate change. At the same time, the costs of environmental protection continue to increase. We now spend over \$100 billion annually in the U.S. to comply with Federal environmental laws and regulations.¹

As we enter the 1990's, political leaders are giving greater attention to a promising set of new environmental policies which recognize market forces, not only as part of the problem, but also as a potential part of the solution. An opportunity now exists to enter a new era of enlightened environmental policy by mobilizing market forces to complement traditional regulatory strategies. An outline for such a dramatic new thrust in environmental policy was provided two years ago in this report's predecessor, *Project 88: Harnessing Market Forces to Protect Our Environment*.² That report dovetailed with interest within the Administration, the Congress, the environmental community, and private industry, by proposing thirty-six policy recommendations that would enlist market forces to prevent pollution and reduce waste of natural resources.

Over the past two years, the nature and tone of political debate on environmental issues has evolved rapidly, as illustrated by the enactment, late in 1990, of a major overhaul of the Clean Air Act to include a market-oriented approach to controlling acid rain. Many factors contributed to this rapid evolution of policy prescriptions, including strong interest within the Executive Office of the President; aggressive participation by some segments of the environmental community;³ and bipartisan support in the Congress, including the release, in December 1988 of the first Project 88 report.⁴

There is a growing consensus in the policy community that market-oriented or incentive-based⁵ approaches should be considered as part of our overall portfolio of environmental-protection strategies. If Round I of Project 88 helped to introduce these "good ideas" into policy deliberations, the question which must now be addressed is whether these are indeed "good ideas that work." We must move from general concepts to the design of effective and practical incentive-based policy mechanisms for improved environmental protection and natural resource management. As part of the effort, this report focuses on design issues associated with incentive-based policies for three problem areas of particular importance: global climate change due to the greenhouse effect; generation and disposal of solid and hazardous waste; and management of natural resources.

The changing political landscape of environmental policy

Environmental quality has been a pressing issue on the American agenda for at least two decades,⁶ but has attracted unprecedented attention in the last two years. Private industry has responded to this burgeoning interest in environmental affairs,⁷ which has included substantial attention to incentive-based policy approaches.⁸ In the past, economic-incentive approaches were often characterized as "licenses to pollute" or dismissed as completely impractical. President Lyndon Johnson's proposal for effluent fees was never given serious consideration, nor were President Richard Nixon's recommendations for a tax on lead in gasoline

Footnotes at end of article.

and a sulfur-dioxide emission fee. Now, however, economic-incentive policies for enhancing environmental quality have moved to center stage in Washington and a number of state capitals.⁹

Actual policy mechanisms for specific environmental problems are now being examined within the Administration and in Congress. The Administrator of the U.S. Environmental Protection Agency (EPA), William K. Reilly, partly in response to the first Project 88 report, established an Economic Incentives Task Force to investigate the potential application of market-oriented policies throughout EPA's jurisdiction.¹⁰ More dramatically, the tradeable-permit system for acid-rain control, which was recommended by Project 88, was adopted by the Administration,¹¹ and then included in the Clean Air amendments approved in 1990 by the Congress. In addition, the Congress is considering bills that would apply economic-incentive mechanisms to problems as diverse as water pollution and hazardous waste management,¹² and the Administration has examined incentive-based policies to address the threat of global climate change.¹³ In Canada, active interest in market-oriented approaches to environmental protection has also increased dramatically over the past two years at both the national and provincial levels.¹⁴

In the United Kingdom, the Thatcher government embraced a study recommending increased reliance on economic-incentive mechanisms for a variety of resource and environmental problems.¹⁵ Major incentive-based programs have been initiated in Belgium and Italy, and the approach is gaining ground elsewhere in Europe, as well. Perhaps most striking, as massive political and economic changes have gripped the Soviet Union and Eastern Europe, several of these nations have expressed interest in market-oriented environmental policies. Within the Soviet Union, the Central Institute of Mathematics and Economics of the Academy of Sciences has advocated the use of pollution taxes, while Polish and Czechoslovakian government officials have endorsed a variety of market-oriented approaches to air and water pollution problems.

Within the U.S., these changes in the political landscape of environmental policy represent a significant departure from long-term trends. Only a few years ago, serious consideration of market-oriented environmental-protection policies was restricted to economists and others at research institutions.¹⁶ But late in the 1980's, a new breed of environmentalism emerged that began to embrace these innovative approaches,¹⁷ which are now winning support among major environmental advocacy groups.¹⁸

Market-based environmental policies: What they are and how they work

Why all this emphasis on market forces, in the first place? The answer is purely practical. Selective and careful use of economic incentives can enable us to achieve greater levels of environmental protection at lower overall cost to society. A central principle is that as consumers and as producers, each and every one of us needs to weigh the full social costs and consequences of our decisions before acting. This principle applies, for example, to our decisions as consumers to use products such as lead-acid batteries and to dispose of them at municipal landfills, where the lead can eventually contaminate ground water aquifers. It also applies to producers' decisions to generate electricity in ways that may inject sulfur dioxide into

the atmosphere, causing acid rain in downwind locations.

Market-based environmental policy mechanisms provide various ways to make consumers and producers recognize that social costs and consequences, and thus provide incentives for environmental protection. The creativity and power of the market—the awesome strength of millions of decentralized decision-makers—can be deployed on behalf of environmental protection, instead of against it. Incentive-based approaches can also encourage firms to develop and implement more effective and efficient pollution-control technologies and strategies.

Incentive-based mechanisms are not appropriate for all environmental and resource problems, however.¹⁹ To identify appropriate applications, we need to understand both the merits of the limitations of these market-oriented policy mechanisms. By way of background, it is useful to review the approach most often applied to environmental regulation in the United States and other countries: command-and-control.²⁰ Pollution-control problems provide good examples.

Conventional Command-and-Regulatory Mechanisms

With conventional approaches to pollution control, the government either specifies the technology that must be used for this purpose (a technology-based standard)²¹ or sets an emission-rate cap that all sources must meet (a uniform performance standard). In the first case, government in effect specifies the equipment that must be used to control pollution. An electrical utility, for example, may (in effect) be required to install flue-gas scrubbers to control sulfur dioxide emissions or electrostatic precipitators to control particulate matter. Greater flexibility is provided by performance standards, which allow firms to decide how they will meet the specified goal (for example, a maximum allowable level of pollutant emitted per unit of product output).

These conventional policy approaches can be effective in achieving environmental goals, but they tend to impose relatively high costs on society, because some unnecessarily expensive means of controlling pollution will be used. The costs of controlling emissions vary greatly from one source to another. For certain pollutants, the cost per unit controlled may vary by a factor of 100 or more,²² depending upon the age and location of plants and the technologies at their disposal. To control total pollution to a given level at the lowest possible cost, all firms must control at the same incremental or marginal cost (as opposed to the same emission or control level). Otherwise, the same aggregate level of pollution abatement could be achieved at lower total cost by increasing the control exercised by low-cost controllers and decreasing control by high-cost controllers.

To achieve a cost-effective allocation of the pollution-control burden, the government could force all sources to control at the same marginal control cost. This would ensure that low-cost controllers control more, and high-cost controllers control less. But the government would need detailed information about the costs faced by each individual source, which could be obtained only at very great cost, if at all. Fortunately there is a way out of this impasse. Economic-incentive systems lead firms to undertake pollution-control efforts that allocate the control burden appropriately. By making it costly for firms to increase their pollution, the government encourages them to clean up in a cost-effective manner: the in-

visible hand of the market is brought to bear on behalf of the environment. Incentive-based approaches fall into five major categories: pollution charges; tradeable permits; deposit-refund systems; market-barrier reductions; and government-subsidy elimination.

Pollution Charges

Producers of pollution may be charged a fee or tax on the amount of pollution they generate (not simply on their pollution-generating activities).²³ It will then be worth their while to reduce pollution up to the point at which their (marginal) cost of control is equal to the pollution-tax rate. As a result, firms will control to different degrees, with high-cost controllers controlling less, and low-cost controllers controlling more. An effective charge system minimizes the aggregate costs of pollution control and gives firms ongoing incentives to develop and adopt newer and better pollution-control technologies.

An effective pollution charge system can impose a significant monitoring burden on government, however. Also it is difficult to estimate in advance how large a charge will be required to obtain a desired level of pollution reduction, and it may be difficult—in a political context—to establish charges large enough to achieve given environmental objectives.

Although air and water pollution charges have been adopted in France, The Netherlands, Sweden, Norway, Denmark, Finland, Italy, and West Germany,²⁴ these charge schemes have been designed primarily as revenue-raising devices, rather than as serious incentive-based environmental policy instruments.²⁵ Several European nations remain interested in imposing further "green taxes." This study investigates various policy mechanisms that apply the pollution-charge concept, including a CO₂ (carbon or BTU) charge to help combat global climate change; "environmental costing" at electrical utilities; and unit charges for pickup and disposal of municipal solid waste.

Tradeable Permit Systems

Unlike a charge system, a system of tradeable permits allows the government to specify an overall level of pollution that will be tolerated. This total quantity is allotted in the form of permits among polluters (firms). Firms that keep their emission levels below the allotted level may sell or lease their surplus allotments to other firms, or use them to offset excess emissions in other parts of their own facilities. Such a system will tend to minimize the total societal cost of achieving a given level of pollution control.²⁶ It is important to note that both charges and permit systems can be used to improve environmental quality, not just to maintain the status quo.

A disadvantage of tradeable permit systems is that the total cost of control is not known in advance. Also, if the number of regulated sources of emissions is great, the administrative (transaction) costs of these systems can be very high. On the other hand, if very few sources are involved, problems of concentration in the permit and product markets may arise, with consequent inefficiencies introduced by noncompetitive behavior.²⁷ Finally, regulators must decide how to allocate permits among sources: should they be given away as an endowment, or should they be sold through an auction? If they are distributed free of charge, what criteria should be used in the allocation?

Tradeable permit mechanisms have been applied primarily in the U.S., under EPA's

Emissions Trading Program,²⁸ the nationwide phasedown of lead in automotive fuel,²⁹ and chlorofluorocarbon (CFC) reduction. As mentioned above, Congress had enacted a tradeable-permit system for acid-rain control. Other potential areas of application include: local, "criteria" air-pollution control; point- and nonpoint-source water-pollution control; control of global climate change through international trading in greenhouse gas permits,³⁰ and recycling credits, whereby recycling targets are combined with tradeable permits. The last two mechanisms are investigated in Chapters 2 and 3, respectively, of this study.

Deposit-Refund Systems

Nine states of the U.S., several Canadian provinces, and a number of European nations have enacted "bottle bills" to reduce littering with beverage containers. In effect, purchasers of potentially polluting products pay a surcharge, which is refunded to them when they return the product to an approved center for recycling or proper disposal. Such deposit-refund systems could be used for containerizable hazardous waste and for some other forms of solid waste, as we discuss in Chapter 3. Lead-acid batteries, motor vehicle oil, and industrial solvents are potential candidates. Rhode Island and Maine have enacted deposit-refund systems for automobile batteries, and Maine has a system for commercial-size pesticide containers. Denmark has such a plan for mercury and cadmium batteries, and Norway and Sweden have implemented deposit-refund systems for car bodies.

Removing Government Barriers to Market Activity

In some case, environmental protection can be improved simply by removing existing government-mandated barriers to market activity. For example, measures that facilitate the voluntary exchange of water rights can promote more efficient allocation and use of scarce water supplies, while curbing the need for expensive and environmentally disruptive new water supply projects. We examine this policy approach in detail in Chapter 4. Similarly, comprehensive least-cost bidding at electrical utilities would promote economically rational energy generation and consumption. This option is examined in Chapter 2, in the context of policies to combat global climate change.

Eliminating Government Subsidies

Many government subsidies promote economically inefficient and environmentally unsound development. A major example is the U.S. Forest Service's "below-cost timber sales," which recover less than the cost of making timber available. The result has been inefficient timber cutting on government lands, which has led to substantial losses of habitat and damages to watersheds. We consider alternative means of eliminating these below-cost timber sales in Chapter 4. Other examples of programs that may be both economically inefficient and environmentally disruptive include certain U.S. Army Corps of Engineers flood-control projects³¹ and certain U.S. Bureau of Reclamation projects.

Comparing Market-Based Approaches with Conventional Policies

In many cases economic-incentive approaches will allow a given level of environmental protection to be achieved at lower total cost than would be possible with conventional policy approaches. Rather than set rigid technology-based standards, incentive-based systems impose a cost on pollution-

causing activities, allowing individual firms to decide how they will achieve the required level of environmental protection. In a competitive market economy, market forces will then tend to drive these decisions toward least-cost solutions. The resulting savings in production costs and consequent increases in productivity are especially valuable at a time of substantial concern regarding the United States' international competitiveness. It has been estimated, for example, that the market-based approach to acid-rain reduction could save \$1 billion per year over a dictated technological solution.³²

Incentive-based policies can also stimulate the private sector to develop new pollution-control technologies and expertise. Because investments in pollution control can improve firms' profits under incentive-based systems, firms will be encouraged to adopt superior pollution-control technologies, which in turn creates incentives for research and development of cheaper and better pollution-abatement techniques. Incentive-based approaches have the additional benefit of making the environmental debate more understandable to the general public. Attention can focus directly on what our environmental goals should be, rather than on difficult technical questions concerning alternative means of reaching those goals. Also, incentive-based approaches need not be any more expensive for the government to administer than conventional methods. But no program of controls can be effective without a government commitment to monitoring and enforcement, and that will inevitably mean significant government expenditures.

In any event, market-oriented policies will certainly not fit every problem. Whereas incentive-based approaches seem virtually tailor-made for problems of aggregate pollution levels over a large area (for example, acid rain), some environmental problems involve highly localized effects and threshold damages. In such cases, concern focuses on the level of pollution emitted by individual sources, and a command-and-control approach, such as a source-specific emission limit, may represent the preferred policy.

In some situations, moreover, practical problems may make it impossible to implement incentive-based environmental policies successfully, even if they are appropriate on theoretical grounds. Such implementation problems can render even the best policy idea quite useless. To design improved policies, it will be necessary to adapt, not abandon, present programs and build step-by-step on previous initiatives with market-based methods.

Designing market-based environmental policies

The original Project 88 report provided a comprehensive examination of thirteen environmental and natural resource problems facing the U.S.,³³ and recommended thirty-six policies for dealing with those problems. Because of the scope of that effort, the policy recommendations were necessarily broad and conceptual; relatively little attention was given to specifics of program design. The current study helps fill this gap by focusing on a much smaller set of problem areas and providing more intensive analyses of policy design issues.

Throughout the study, we ask whether the policy mechanisms being investigated will result in real improvements over existing or alternative policies. In particular, we keep in mind that following criteria for improved environmental and resource policy:³⁴

Will the policy achieve our environmental goals?

Will the policy approach be cost-effective? That is, will it achieve environmental goals at least cost to society at large?

Will the strategy provide government agencies and private decisions makers with needed information?

Will monitoring and enforcement costs be reasonable?

Will the policy be flexible in the face of changes in tastes, technology, or resource use?

Will the policy give industry incentives to develop new environment-saving technologies, or will it encourage firms to retain existing inefficient plants?

Will the effects of the policy be equitably distributed, and will any inequities be resolvable through government action?

Will the purpose and nature of the policy be broadly understandable to the general public?

Will the policy be truly feasible, in terms of both enactment by the Congress and implementation by the appropriate departments or agencies?

As we enter the 1990's, three environmental issues stand out, because of their magnitude and timeliness, and the applicability of incentive-based approaches. Specific policy mechanisms to address these major problem areas—global climate change due to the greenhouse effect; the generation, storage, and disposal of hazardous and solid waste; and management of natural resources—are investigated in Chapters 2, 3, and 4, respectively. The following sections of this chapter provide a very brief overview of the policy mechanisms we investigate.

Global Climate Change

The possibility of global climate change due to the greenhouse effect is potentially one of the most important—and certainly one of the most controversial—environmental threats we currently face. Scientific evidence suggests that global mean temperatures may increase by 2 to 5 degrees Fahrenheit in the next century, because of increasing atmospheric concentrations of carbon dioxide and other gases. Given the high degree of uncertainty still prevailing within the scientific community, this report makes no attempt to draw conclusions regarding the likely magnitude of damages induced by global warming or the level of appropriate controls (if any). Instead, we focus on the policy questions that will have to be faced should various levels of government decide that action is warranted. Three policy proposals are offered:

International trading among nations in greenhouse gas source/sink permits should be part of any effort to allocate greenhouse targets among nations. Such a mechanism can simultaneously address issues of cost-effectiveness and equity.

Revenue-neutral CO₂ (carbon or BTU) charges can be a practical mechanism for reaching domestic emissions targets that arise from international negotiations. Such charges would cost less than most alternative measures, and their potential effects on competitiveness could be mitigated through reductions in distortionary taxes.

Comprehensive least-cost utility bidding and planning can be used, even in the absence of international agreements, to increase efficiency of electricity generation and use, and thus reduce CO₂ emissions. Auctions for new power sources would incorporate environmental impacts into cost estimates and would allow for bids based upon demand-side reductions through conservation.

Solid and Hazardous Waste Management

Solid and hazardous waste problems have become ubiquitous throughout the United States and much of the industrialized world. The issues are diverse. For some wastes, space is the principal issue, as old landfills close and it becomes increasingly difficult to find sites for new landfills or incinerators. For other wastes, the problem is one of improper disposal, with effects ranging from the aesthetic consequences of litter to potential health and ecological damages from toxic materials. Since waste management represents a broad range of challenges rather than a single policy problem, and since disposal economics can vary dramatically across geographic areas, a portfolio of policies tailored to local conditions is required. While the Federal government may plan an important role in promoting certain actions, much of the activity must occur at the municipal and state levels. Several market-based policies should be included in the regulator's tool kit:

Unit pricing of municipal solid waste collection and disposal ought to be considered the first line of attack. Much of the municipal solid waste problem arises because consumers and producers fail to recognize the real costs of the wastes they generate. Better price signals can reflect the real incremental costs of waste generation and disposal. Local conditions will determine which instrument is most appropriate.

Retail disposal charges may supplement or substitute for unit pricing in situations where unit pricing is impractical or where certain products have especially high disposal costs relative to their volume.

Virgin materials charges, which can incorporate material disposal costs into product economics, can also help to reduce the flow of municipal wastes.

Recycling credits—recycling targets combined with tradable permits—can be a cost-effective means for achieving recycling-content goals.

Deposit-refund systems can be an attractive option for wastes that pose health, ecological, or aesthetic effects when improperly disposed of.

Local binding referenda linked with negotiated mitigation packages can help ease the NIMBY ("not in my backyard") problem (which plagues the siting of new facilities) by reducing incentives for intransigence and more accurately addressing concerns of local citizens.

Natural Resource Management

The management of our endowment of natural resources remains one of the most contentious areas of environmental concern. Our use of water supplies is hotly debated, particularly in the West, where supplies are especially scarce. Great concern also focuses on the management of other public lands and resources. Economically inefficient, heavily subsidized timber cutting on public lands, for example, has led to loss of habitat, damage to watersheds, and a diminution of recreational opportunities. To address these resource management concerns, this report proposes that:

Water markets for voluntary exchanges should be facilitated by Federal and state agencies to improve economic efficiency and create incentives for greater conservation and environmental protection.

Below-cost timber sales on national forests should be eliminated by decentralizing forest management, incorporating the economic values of all forest uses, and improving payment mechanisms to localities.

The importance of equity considerations

Throughout this study and the original Project 88 report, we focus attention on policies that will achieve environmental goals at least overall cost to society. But efficiency (or cost-effectiveness) constitutes only one of several criteria that need to be considered when evaluating public policies. A particularly prominent concern is fairness or equity.

Market-oriented environmental policies bring some good news and some bad news. The good news is that environmental goals can be achieved at lower (often much lower) total cost to society than with conventional command-and-control approaches. Thus, society as a whole is better off than it would otherwise be. The bad news is that some individuals may be worse off. In other words, while the aggregate benefits of a policy may greatly exceed its aggregate costs, some individuals or firms may bear costs that are higher than the benefits they receive. This liability, however, is common to all policies, conventional or market-based.

The tension between efficiency and equity is brought into focus, although not created, by market mechanisms. Because of the important ethical concerns surrounding these issues and because of their great importance in the real world of environmental politics, these tradeoffs cannot be ignored. We must ask ourselves whether and under what circumstances we should modify our proposals for cost-effective reforms to mitigate outcomes perceived to be inequitable. If such adjustments are called for, what form should they take?

A pragmatic approach, which merits consideration in the context of specific policies, is to include equity-enhancing measures in policies chosen because they are cost-effective. Where merited, such efforts should be linked to the nature of the harm done. That is, if jobs are lost as a result of a policy change, it is preferable to provide compensation in the form of new job opportunities, as opposed to simple monetary payments. Inevitably, the strength of the case for some form of compensation or mitigation depends on the specific policy approach and problem being considered. General rules are of little use; instead, each specific policy mechanism must be investigated within its setting to determine whether the overall policy package should include provision for adjustment, mitigation, or compensation.

Prognosis for change: An environmental agenda for the 1990's

Governments, corporations, and individuals around the world have never paid more attention to environmental and natural resource issues than they do today. During the past two years they have focused increasingly on a new breed of policies intended to harness market forces to protect the environment. Round I of Project 88 helped to introduce such ideas into high-level policy deliberations. The question we face now is how to transform these good ideas into policies that work. As we move from general concepts to the design of effective and practical market-based environmental strategies, we seek policies that are not only technically sound, but also politically realistic.

Creative thinking can allow us to design effective, efficient, equitable, and truly feasible policies and programs. The first Project 88 report emphasized that selective use of incentive-based policies could enable us to achieve greater levels of environmental protection at lower overall cost to society, but that market-based policies were not necessarily appropriate for all problem areas.

Project 88/Round II reinforces that message: no single policy approach—whether market-based or command-and-control—can be a panacea for the diverse environmental and natural resource problems we face. The real challenge is to choose the right policy for each job.

The political landscape of environmental policy has changed dramatically over the past two years, as environmentalists, legislators, bureaucrats, business persons, and citizens have begun to recognize that market-based approaches belong in our portfolio of environmental and natural resource policies. So far, however, we have taken only the first steps toward improved environmental policy. The steps that remain will be not only more important, but also more difficult. The real work of detailed design and implementation lies ahead. We now have an opportunity—created by a receptive mood at the Federal and state levels and internationally—to take up this challenge and begin to make real progress.

FOOTNOTES

¹ See: U.S. Environmental Protection Agency. *Environmental Investments: The Cost of a Clean Environment*. Report of the Administrator to the Congress of the United States. Washington, D.C., December 1990. This estimate excludes environmental activities not directly associated with pollution control or clean-up, such as wildlife conservation and land management. The \$100 billion estimate covers spending by private business (63.0%), local governments (22.5%), the Federal government (11.0%), and state governments (3.5%).

² See: Stavins, Robert N., ed. *Project 88: Harnessing Market Forces to Protect Our Environment—Initiatives for the New President*. A Public Policy Study sponsored by Senator Timothy E. Wirth, Colorado, and Senator John Heinz, Pennsylvania. Washington, D.C., December 1988.

³ When introducing his Clean Air proposals at the White House on June 12, 1989, President Bush said: "Let me commend Project 88 and groups like the Environmental Defense Fund for bringing creative solutions to long-standing problems, for not only breaking the mold, but helping to build a new one."

⁴ Several other studies followed the Project 88 report, including: Moore, John L., et al. *Using Incentives for Environmental Protection: An Overview*. Washington, D.C.: Congressional Research Service, June 1989; and Anderson, Robert C., Lisa A. Hofmann, and Michael Rusin. *The Use of Economic Incentive Mechanisms in Environmental Management*. Washington, D.C.: American Petroleum Institute, June 1990.

⁵ These policies are described within the policy community as "economic incentive approaches," "market-based," "market-oriented," or "incentive-based." In any case, both (positive and disincentives are included.

⁶ See: Ladd, E. C. "Clearing the Air: Public Opinion and Public Policy on the Environment," *Public Opinion*, February/March 1982, pp. 16-20.

⁷ See: Main, Jeremy. "Here Comes the Big New Cleanup," *Fortune*, November 21, 1988, pp. 102-118; Smith, Emily T. and Vicki Cahan. "The Greening of Corporate America," *Business Week*, April 23, 1990, pp. 96-103; and Jacobs, Deborah L. "Business Takes on a Green Hue," *New York Times*, September 2, 1990, p. 25.

⁸ See: Passell, Peter. "Private Incentives As Pollution Curb," *New York Times*, October 19, 1988, p. D2; "The Greening of the Invisible Hand," *The Economist*, December 24, 1988, p. 107; Cairncross, Frances. "Costing the Earth," *The Economist*, September 2, 1989, pp. 1-18; and Morgenson, Gretchen and Gale Eisenstock. "Market-Driven Environmentalism," *Forbes*, March 5, 1990, pp. 94-100.

⁹ For an analysis of why these changes have occurred, see: Hahn, Robert W. and Robert N. Stavins. "Market-Based Environmental Regulation: A New Era From An Old Idea?" *Ecology Law Quarterly*, volume 18, number 1, forthcoming 1991.

¹⁰ See: U.S. Environmental Protection Agency. *Economic Incentives: Options for Environmental Protection*. Office of Policy, Planning, and Evaluation, Economic Incentives Task Force, 21P-2001. Washington, D.C., March 1991.

¹¹ On June 12, 1989, President Bush announced the tradable-permit system for acid-rain control as part of the Administration's Clean Air Act amendments. This proposal was sent to Congress on July 21, 1989.

¹²More than 100 bills characterized by EPA as using economic incentives were introduced in the 101st Congress. See: U.S. Environmental Protection Agency, *Economic Incentives in Pending Environmental Legislation*, Office of Policy, Planning, and Evaluation, Washington, D.C., July 1990.

¹³Although the Administration has maintained that it is still too soon to establish greenhouse goals and standards, it has also suggested that when and if such standards or goals are established, consideration should be given to cost-effective, market-based policy instruments. See Chapter 2 of this study.

¹⁴See, for example: Nichols, Albert L. and David Harrison, Jr. *Using Emissions Trading to Reduce Ground-Level Ozone in Canada: A Feasibility Analysis*. Final Report Prepared for Environment Canada, Cambridge, Massachusetts: National Economic Research Associates, Inc., November 1990.

¹⁵See: Pearce, David, Anil Markandya, and Edward B. Barbier. *Blueprint for a Green Economy*. London: Earthscan Publications, 1989.

¹⁶Legal scholars and practicing attorneys have been among the most eloquent supporters of these strategies. See, for example: Stewart, Richard B. "Controlling Environmental Risks Through Economic Incentives." *Columbia Journal of Environmental Law* 13(1988):153-169; Krier, James E. "Marketlike Approaches: Their Past, Present, and Probable Future." LeRoy Graymer and Frederick Thompson, eds., *Reforming Social Regulation*, pp. 151-158. Beverly Hills: Sage Publications, 1982; and Levin, Michael H. "New Directions in Environmental Policy: The Case for Environmental Incentives." Proceedings of Annual Midwinter Meeting, American Bar Association, Section of Natural Resource Law, Keystone, Colorado, March 18-20, 1988.

¹⁷See: Krupp, Frederic D. "New Environmentalism Factors in Economic Needs." *Wall Street Journal*, November 20, 1986, p. 34.

¹⁸The Environmental Defense Fund, the Wilderness Society, the National Audubon Society, the National Wildlife Federation, the Sierra Club, the Natural Resources Defense Council, and the Conservation Law Foundation have all come to support selective use of economic-incentive mechanisms.

¹⁹Also, most incentive-based policy mechanisms actually rely upon an underlying conventional regulatory structure, a point that will be illustrated throughout this study.

²⁰This part of the chapter draws, in part, on: Stavins, Robert N. "Innovative Policies for Sustainable Development: The Role of Economic Incentives for Environmental Protection." *Harvard Public Policy Review*, volume 7, number 1, pp. 13-25, Spring 1990; and Hahn and Stavins, *op. cit.*

²¹Usually, regulations do not explicitly specify the technology, but establish standards on the basis of a particular technology. In situations where monitoring problems are particularly severe, however, technologies are specified.

²²Numerical examples of the variance of incremental costs of air pollution control are provided by: Crandall, Robert W. "The Political Economy of Clean Air: Practical Constraints on White House Review." *Environmental Policy Under Reagan's Executive Order: The Role of Benefit-Cost Analysis*, ed. V. Kerry Smith, pp. 205-225. Chapel Hill: The University of North Carolina Press, 1984.

²³For example, a pollution charge might take the form of a charge per unit of sulfur dioxide emissions, not a charge per unit of electricity generated. The choice of whether to tax pollution quantities, activities preceding discharge, inputs to those activities, or actual damages will depend upon tradeoffs between costs of abatement, mitigation, damages, and program administration, including monitoring and enforcement.

²⁴Opschoor, J. B. and Hans B. Vos. *Economic Instruments for Environmental Protection*. Paris: Organization for Economic Cooperation and Development, 1989.

²⁵Whatever their motivation, properly designed pollution charges will have the effect of discouraging fundamentally undesirable activities (pollution), whereas conventional taxes tend to discourage fundamentally desirable activities, namely labor and the generation of capital.

²⁶See: Hahn, Robert and Roger Noll. "Designing a Market for Tradeable Permits." *Reform of Environmental Regulation*, ed. Wesley Magat, pp. 119-146. Cambridge: Ballinger, 1982.

²⁷These and other concerns are discussed in detail in Chapter 3 in the context of our investigation of a specific tradeable permit program, recycling credits.

²⁸Firms have generally not made extensive use of the components of the Emissions Trading Program—

bubbles, offsets, netting, and banking—partly because states are not required to use them, and partly because of uncertainties about the future course of the programs. Nevertheless, companies such as Armco, Du Pont, USX, and 3M have traded emissions credits; even this limited degree of trading has resulted in more than \$4 billion in savings in control costs, with no adverse effect on air quality. See: Dudek, Daniel J., and John Palmisano. "Emissions Trading: Why Is This Thoroughbred Hobbled?" *Columbia Journal of Environmental Law* 13 (1988): 217-256; and Liroff, Richard A. *Reforming Air Pollution Regulations: The Toil and Trouble of EPA's Bubble*. Washington, D.C.: The Conservation Foundation, 1986.

²⁹From 1982 through 1987, during EPA's phasedown of the leaded content of gasoline, refiners could create credits by producing gasoline with a lower lead content than required by law. Savings due to the lead trading program were about \$200 million annually. See: U.S. Environmental Protection Agency. *Costs and Benefits of Reducing Lead in Gasoline, Final Regulatory Impact Analysis*. Washington, D.C., February, 1985. The Netherlands accomplished its own leaded-gasoline phasedown (over a period of two years) through a tax differential of 8¢/gallon.

³⁰All of these options were examined in the Project 88/Round I report.

³¹See Chapter 6 of Round I of Project 88. Also, see: Stavins, Robert N. and Adam B. Jaffe. "Unintended Impacts of Public Investments on Private Decisions: The Depletion of Forested Wetlands." *American Economic Review* 80 (1990): 337-352; and Stavins, Robert N. "Alternative Renewable Resource Strategies: A Simulation of Optimal Use." *Journal of Environmental Economics and Management* 19(1990): 143-159.

³²ICF Resources, Inc. *Analysis of Six and Eight Million Ton 30-Year/NSPS and 30-Year/1.2 Pound Sulfur Dioxide Emission Reduction Cases*. Washington, D.C., February 1986.

³³The thirteen areas were: the greenhouse effect and climate change; stratospheric ozone depletion; local air pollution; acid rain; indoor radon pollution; threats to energy security and environmental quality; inefficient use and allocation of water supplies; degradation of surface and ground water supplies; management of public lands; depletion of wetland resources; solid waste management; presence of toxic substances in the environment; and management of toxic and infectious waste.

³⁴See: Bohm, Peter and Clifford S. Russell. "Comparative Analysis of Alternative Policy Instruments." *Handbook of Natural Resource and Energy Economics*, Volume 1, eds. Allen V. Knesse and James L. Sweeney, pp. 395-460. Amsterdam, North-Holland, 1985.

Mr. WIRTH. I thank you, Mr. President, and I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The Senate continued with the consideration of the resolution.

Mr. BURNS. Mr. President, I rise today in support of Senate Resolution 117, which would direct the administration to make credit guarantees available to the U.S.S.R. after certain conditions have been met.

Mr. President, the Soviet Union is at a critical stage in its history. Reforms that were initiated by Mr. Gorbachev and his contemporary, Boris Yeltsin, are now stalled, and the Soviet Union could move ahead or it could slide back into the heavy-handed central authority, similar to what we saw occur in China just after Tiananmen Square.

We have an opportunity to play a part in the course of history in the U.S.S.R. today. Soviet food stores are empty. We have seen the pictures of long lines. The old guard would like to

turn back the clock, force workers into the fields, and get the peasants back on collective farms.

Look at their system and compare it to the United States. It is like night and day—the most well-fed society on the face of the Earth, not even similar to the system that exists today in the U.S.S.R. but trying to move that way. Famine or the potential for famine or serious food shortages could stop the reforms that have been taking place in the Soviet Union.

Mr. President, I do not think there is any argument about it. We are the breadbasket of the world. Farmers in the United States stand ready to sell food and grains and virtually anything else to the Soviet Union. In the past, we have always demanded hard currency from the Soviets, but that is not the way the world works today. We understand that. It runs on credit. That is what is at issue today.

The Soviets want to buy from us, the best and most reliable supplier in quality and quantity of grains, but they want to buy it on credit—if not from us, then from someone else. That is what is at issue. We should allow our producers to make these sales, and, acting prudently, the administration should guarantee the loans because they are needed and it is time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. I thank the Chair.

UNITED STATES-MEXICO FREE-TRADE AGREEMENT

ENVIRONMENTAL CONCERNS

Mr. WIRTH. Mr. President, I wanted to comment in some detailed fashion about the United States-Mexico Free-Trade Agreement and some of the environmental concerns that a number of other Senators and I have expressed to the administration.

Mr. President, I have read with interest the administration's proposed action plan for addressing a variety of issues as part of the United States-Mexico Free-Trade Agreement.

At the outset, let me say, Mr. President, that I have long been convinced that the United States should be looking to the north and the south for future trade opportunities. In the Pacific, the Japanese and several emerging nations have a hold on trade. Similarly, our ability to compete in Europe is constrained by the free-trade agreements among the Western democracies. It appears that our greatest opportunities in the future will lie with the large markets of North and South America. And we should be doing everything we can to encourage cooperative agreements with our neighbors in the Western Hemisphere.

Having said that, I also believe that good economic policy must be, and can be, good environmental policy. With

this in mind, I read with particular interest the administration's action plan for addressing environmental issues. And I spoke with Bill Riley, the head of EPA, who called me to outline what they had done.

I am pleased that the administration recognizes the importance of crafting an agreement that integrates environmental issues. The action plan is a good first step, and I applaud the administration's effort to address environmental concerns related to Mexico. Unfortunately, after reviewing the proposal, I have a number of questions about the administration's plan.

The rhetoric and the direction of the proposed action plan is clearly in the right direction. The administration's commitment to undertake an environmental review, look at enforcement issues, enhance public participation, and maintain U.S. environmental standards is very encouraging. However, it is unclear how the administration intends to proceed in these areas, because the environmental section of the plan lacks the key details and firm commitments that are contained in other areas of the document.

On April 23, along with a number of other Senators, I wrote Ambassador Carla Hills to suggest four vital steps necessary to address environmental impacts. The current action plan addresses, in part, three of these issues, and ignores one of them.

First, I suggested that the USTR, in cooperation with the President's Council on Environmental Quality, undertake an environmental assessment in the spirit of the National Environmental Policy Act [NEPA]. While the administration envisions a review that looks at the possible environmental effects of a free-trade agreement, a NEPA-type review would involve investigating and developing scenarios to determine the least environmentally harmful alternatives. Only with this information in hand can we negotiate an environmentally sound free-trade agreement.

In addition, a review in the spirit of NEPA would involve the public in the process. The administration suggests that it will "consult with interested members of the public." How? Will the public be invited to submit ideas for consideration during the review? Will the public be allowed to comment on drafts of the review as it is prepared? Will the review be updated as the negotiations proceed? These are legitimate questions. In fact, if these steps are not taken, I fear that we may find the review under attack, which could predispose Members of Congress to vote against the final agreement.

So I believe it is in the administration's interest to set up just exactly this sort of process. Being open and out in the public will help to strengthen their hand and arguments as they bring

the free-trade treaty back to the Congress.

Second, considering the need for an ongoing environmental review, it seems to me that the administration needs to go further than including a nongovernmental representative on the Advisory Committee on Trade Policy and Negotiations and several other advisory committees. This suggestion in the plan strikes me as a suggestion that environmental concerns are a special interest, a secondary issue. As you know, increasingly, policymakers are learning that this attitude is flawed. We are learning that the costs of corrective actions are far greater than the costs of preventive actions.

We must integrate environmental, energy, and economic policymaking. Therefore, it is imperative that a cross-sectoral working group be established. Participation by environmental representatives on trade advisory committees is a step in the right direction, and I thank the administration for doing that, but it is no substitute for a formal mechanism for fully incorporating environmental issues in the NAFTA negotiations.

Third, the administration's proposed plan for enhancing enforcement capabilities are noncommittal at best. I find very puzzling the statement that the enforcement process would "provide the opportunity for the public to submit data to appropriate national authorities on alleged noncompliance." Is that not a right of all citizens in a democratic society? What does this language mean? There is no question but that the ability to enforce environmental standards is a question of resources. Given our budget constraints, it will be very difficult for the United States to commit significant resources to this effort. Nonetheless, we certainly should try.

I would be much more comfortable if the action plan contained specific commitments to provide Mexico with help in the enforcement area and to vigorously enforce environmental standards to ensure that United States companies do not use free trade to skirt environmental regulations because of lax Mexican enforcement. That is not sound economic policy, nor is it sound environmental policy. The history of the "maquiladora" program suggests a case in point.

Finally, and perhaps most importantly, the plan fails to sufficiently address concerns related to the harmonization of environmental standards. The plan states that "the United States will not agree to weaken U.S. environmental and health laws or regulations as part of the FTA." However, additional language in the plan is contradictory and implies that our laws and regulations could be opened up for attack as nontariff trade barriers.

On page 10 of the plan, the administration commits to maintaining "our

rights to prohibit the entry of goods that do not meet our health * * * and environmental regulations, so long as such regulations are based on sound science." This is an issue that I raised with Ambassador Hills last year with respect to the GATT negotiations. It is the right of the U.S. Government, as well as State and local units of government to determine health and safety standards for its citizens. What mechanism does the administration envision to determine regulations that are based on sound science.

Who makes that up? What are the definitions and the parameters of this going to mean? Does this mean science is made up by Mr. Sununu behind his small White House computer as he made up "sound science," sound science on global warming? He is way out of the mainstream on that issue. Does this mean it will be Sununu's science that determines whether or not we are going to enforce environmental regulations? I hope not. But that is not clear.

Necessarily, some environmental laws are enacted in the face of some uncertainty. The administration's plan says nothing about who would determine the legitimacy of a regulation if it were challenged. We should not, under any circumstances, put our environmental out for international review. If we had done so vis-a-vis European automobile standards, as an example, our efforts to clean up polluted urban air would be 10 years behind. If we waited for the Europeans, we would not have removed lead from gasoline, and we would not have the efficient process of cleaning up our automobiles that we have today. So our standards have to be maintained and enforced.

Mr. President, I very much want to support the free-trade agreement with Mexico. I believe trade liberalization can provide significant social and economic benefits to citizens throughout North America. However, the administration's delivery has fallen short of its rhetoric on a variety of environmental issues, including this one. I believe there are some further commitments the administration can and should make to ensure that our negotiating team will produce an environmentally sound agreement. As I prepare to make my final decision on fast-track authority, I hope the administration will provide us with further details of its plans for environmental protection. And I urge all of my colleagues to join me in working with the administration to craft a plan that gives the assurances we need to grant fast-track authority.

I appreciate the forthcoming of Mr. Reilly on this issue. I have talked to Carla Hills about this and will continue to do so. I think there are some pieces of this that can be pinned down much more tightly, and there is no reason not to.

There is no reason that, going into this free-trade agreement, we have to compromise our hard-fought environmental standards in this country. That would be a mistake. I do not think the administration intends to do that. There may be some who do. But I think overall the administration does not intend to do that. I cannot imagine the American public, in order to get a free-trade agreement with Mexico, is going to be willing to have our environmental standards, which protect the health and safety of the American public, compromised in any way.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADMINISTRATION'S ACTION PLAN FOR THE NAFTA NEGOTIATIONS

Mr. BAUCUS. Mr. President, I congratulate the President, Ambassador Carla Hills, and the rest of the administration on the action plan recently submitted to Congress.

The action plan for the free-trade negotiations with Mexico is an impressive document. It is an example of how the fast-track negotiating process is intended to work—as a cooperative venture between the Congress and the administration. Under the fast track, the Congress commits to vote up or down on trade agreements negotiated by the administration. In return, the administration works with Congress to establish jointly a plan for the negotiations.

At times in the past, the administration has been short on the consultations with Congress during trade negotiations. But clearly that is not the case for the free-trade negotiations with Mexico. The Congress laid out its concerns in three major areas—the wage disparity between the United States and Mexico, Mexican labor standards, and Mexican enforcement of environmental laws. In the action plan, the administration addresses each of these issues.

THE WAGE DISPARITY

The action plan commits the administration to address the wage disparity issue by taking a series of measures to minimize negative impacts on import sensitive industries. Specifically, the administration commits to tight rules

of origin, safeguard measures—including tariff snap-backs, and long phase-out periods for tariffs.

The administration also commits to developing with Congress a retraining program for workers displaced by imports. I was disappointed that a specific commitment was not made to expanding trade adjustment assistance. But I am confident that a strong worker retraining and adjustment program can be incorporated into the implementing legislation for a North American Free-Trade Agreement.

LABOR STANDARDS

In the area of labor standards, the United States and Mexico are now prepared to sign a memorandum of understanding on many key labor issues, including labor standards and enforcement. Clearly, this will not settle all of our concerns about labor standards in Mexico, but it is a major step forward. Certainly, it represents a real improvement over the status quo.

ENVIRONMENTAL PROTECTION

The most impressive and far reaching section of the action plan addresses environmental protection.

I have been quite concerned that the combination of lax Mexican enforcement of environmental laws and a free-trade agreement could create serious environmental problems. An incentive could be created for United States business to move to Mexico to avoid United States environmental regulations. Such a migration could cost the United States jobs and spawn pollution. I am happy to say that the action plan largely addresses this concern.

Five major commitments are made on the environment:

First, the administration agreed to appoint leading environmentalists to its trade policy advisory panels. This will build-in environmental review of all key trade policy decisions.

Second, a commitment is made to ensure that all products imported into the United States meet our health and safety standards, and that the free-trade agreement will in no way undermine U.S. environmental protection laws.

Third, there is a commitment to develop a joint plan to control all forms of pollution in the border area.

Fourth, there is a commitment to a complete binational review of environmental laws to be completed before the trade agreement.

Fifth, there is a commitment to a much strengthened binational effort on enforcement of environmental regulations. I should note in this regard, that Mexico's long dormant environmental enforcement program has sprung to life in recent months. In the past 3 weeks alone, 70 Mexican businesses have been shut down because of noncompliance with environmental laws.

Taken as a whole, those environmental commitments are a historic first step toward integrating trade and

environmental concerns. With the action plan, there can be little doubt that a NAFTA will improve environmental protection in Mexico. Conversely, pulling out of the negotiations at this point will set back environmental protection in Mexico. It is no wonder that a number of America's leading environmental groups, including the National Audubon Society and the Natural Resources Defense Council, have responded very favorably to the action plan.

The one major weakness in the environmental action plan is the lack of a specific enforcement plan. Before the NAFTA is approved by Congress I will insist on a mechanism to monitor and enforce these environmental commitments.

CONCLUSION

In sum, we have the outline of a solution to the critical issues of the wage disparity, labor standards, and environmental protection. It is time for Congress to extend fast-track negotiating and allow the free-trade negotiations with Mexico to commence.

Of course, the commitments in the action plan must be implemented. But we need not take the administration's commitments on faith. Congress should insist that the action plan is fully implemented before we approve the eventual agreement.

We should keep in mind that in many ways the United States already has a free-trade agreement with Mexico—a one-way free-trade agreement. Most United States barriers to Mexican exports are already quite low. The major barriers are U.S. tariffs which average about 4 percent. Mexico, on the other hand, retains substantial trade barriers. Mexican tariff rates are two and a half times higher than United States rates and could be raised as high as 50 percent. Mexico also maintains import licenses and a variety of other trade barriers that block United States exports. If Mexico eliminates its trade barriers, substantial increases in United States exports are possible.

The free-trade negotiations with Mexico hold out a rare opportunity. With the action plan, they are an opportunity for the United States to expand exports and create jobs while promoting environmental protection and observance of labor standards in Mexico.

Mr. President, I yield the floor.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: The Senator from Nevada [Mr. REID], from the Committee on Appropriations; the Senator from New York [Mr. D'AMATO], from the Committee on Ap-

propriations; the Senator from Alabama [Mr. SHELBY], from the Committee on Armed Services; and the Senator from Montana [Mr. BURNS], at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: The Senator from Maryland [Mr. MIKULSKI], from the Committee on Appropriations; the Senator from Oregon [Mr. HATFIELD], from the Committee on Appropriations; the Senator from Arizona [Mr. MCCAIN], from the Committee on Armed Services; and the Senator from Maryland [Mr. SARBANES], at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: The Senator from Colorado [Mr. WIRTH], from the Committee on Armed Services; the Senator from Mississippi [Mr. COCHRAN], from the Committee on Appropriations; the Senator from Arizona [Mr. DECONCINI], at large; and the Senator from New Mexico [Mr. DOMENICI], from the Committee on Appropriations.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the majority leader the appointment of the Senator from West Virginia [Mr. BYRD] as the chairman of the Senate delegation to the British-American Parliamentary Group during the 102d Congress.

APPOINTMENT BY THE PRESIDING OFFICER

The PRESIDING OFFICER (Mr. REID). The Chair, pursuant to Executive Order 12131, as amended, and Executive Order 12692, appoints the following Senators to the President's Export Council:

The Senator from Missouri [Mr. DANFORTH]; and

The Senator from Montana [Mr. BURNS].

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The Senate continued with the consideration of the resolution.

Mr. BRADLEY. Mr. President, the resolution that we are considering at this moment was introduced on the last day before the recess, on April 25. It is a resolution that would extend an additional \$1.5 billion of credit guarantees to the Soviet Union. Mr. President, at that time, when the distinguished minority leader sought to consider the resolution, I objected to taking this step without thorough debate. That evening, it was concluded, was insufficient time for a thorough debate, and the result was allocating 3 hours this morning to be divided between Senator DECONCINI against the resolution, Senator DOLE for the resolution, and I, also against the resolution.

About 2½ hours of that time has been used. No one has come to the floor to support the resolution. Time is running out, and I thought it only appropriate, before time ran out or another agreement was entered into for a debate at a future time, to come to the floor and discuss Senate Resolution 117.

Mr. President, I think that this resolution is a serious mistake. I do not think that we should extend an additional \$1.5 billion of credits to the Soviet Union. I do not think that anything has transpired since December, when our Government extended to them \$1 billion in credit guarantees, that would make it good policy to extend further credit guarantees. In fact, Mr. President, a number of things have happened since December that make in extending credit guarantees an even worse idea now than it was in December.

In January, there were dozens of people killed in the Baltic States by Soviet military and security forces. Those forces ruthlessly occupied buildings and territory in the Baltic States, killing dozens of people and wounding hundreds more. That was just one of several examples of the Soviet central government cracking down ruthlessly on fledgling independence and democratic movements.

Also, since the December extension of \$1 billion in additional credits to the Soviet Union, the Foreign Minister, Mr. Shevardnadze, resigned, saying that dictatorship in the Soviet Union was gaining ground. Since that time, a number of Mr. Gorbachev's advisers who were viewed as being more amenable to move toward a market mechanism in the Soviet Union and to a broader democratically based economic reform, have been sacked or resigned.

Since December, we have seen the ominous return of faceless bureaucrats of the security system in high positions of power and sitting at the right hand of Mr. Gorbachev. One of the most blatant affronts in this regard occurred when all of us saw on our television sets here in the United States the use of force by Soviet personnel in the Baltics against unarmed Lithuanian citizens and then discovered that

the next night in the Soviet Union, the new head of the Interior Ministry, Mr. Boris Pugo, got on national television and stated that this action was taken in self-defense, even though all of us saw with our own eyes the Soviet security forces were acting against defenseless, unarmed citizens.

So, Mr. President, since December, on the political front, what we have seen in the Soviet Union is an ominous turn toward a more repressive regime that is intent on breaking the independence movements and the democratic movements in the Soviet republics.

There have also been a number of developments on the economic front since that time, the Soviet Union's movement toward a more market-oriented system, one in which there were prices that allocated resources, one in which supply and demand were met through the price mechanism, one in which there was a banking system that functioned more or less openly, one in which there were enterprises which were controlled by individuals and not the state, this has been brought to an absolute, screeching halt.

It is also important to note, since this is a credit guarantee of \$1.5 billion that the Soviet foreign currency reserves are shrinking. In other words, they reserve that they would use to repay the loans that have been extended to them, and that this Government by this action will be guaranteeing, have shrunk. Therefore, their ability to repay has been decreasing.

In addition to that, the arrears to private firms that have been engaging in trade with the Soviet Union have been going up. In other words, American, European, and Japanese firms have engaged in trade with the Soviet Union and incurred payments due but the Soviets are not making those payments.

As a result of the shrinking of foreign currency reserves, the arrears in trade debt, the mushrooming budget deficit in the Soviet Union, Soviet creditworthiness is dropping like a rock. Exports fell 12 percent from 1989 to 1990. The balance of payments deficit is \$14 billion. Gold sales have gone up because they cannot sell anything else that people want to buy.

You have foreign indebtedness rising dramatically; debt service up to as much as \$14 billion this year, maybe \$17 billion next year. The creditworthiness of the Soviet Union is plummeting, and yet precisely at the time when the Soviet Union's ability to repay loans is decreasing, this resolution propose extending credit guarantees for another \$1.5 billion.

Mr. President, I hope that we would not take this action. I can appreciate why it is coming at this time. As you know, last December when \$1 billion was extended to the Soviet Union in credit guarantees, there was also a

waiver of the Jackson-Vanik amendment.

The Jackson-Vanik amendment says there will be special trade or credit status for the Soviet Union in their dealings with the United States as long as emigration numbers from the Soviet Union, Jewish emigration, other emigration from the Soviet Union is not fair and free.

Mr. President, in December the President exercised his right to waive the Jackson-Vanik amendment's provisions. This waiver expires on June 3, 1991. So what I see is an attempt by those who would like to extend further credit to the Soviet Union to try to get their resolution passed before the June 3 deadline, because after the June 3 deadline, in order to extend more credit guarantees to the Soviet Union, they would have to not only to get the Senate to agree to guarantee credit for a country that is becoming less and less creditworthy with each passing day and to a country that is becoming more and more repressive but it would also require that the President waive the Jackson-Vanik amendment again. So rather than face a two-stage development where you have to improve the increase in credit and you have to waive the Jackson-Vanik amendment, the proponents of this resolution seek to now rush through a resolution prior to the expiration of the waiver of Jackson-Vanik. So the motivation at this time is quite clear.

I happen to think this is not the time to take that step if for no other reason than what is happening in the Baltics, and what continues to happen at the political level in the Soviet Union. It is a real irony that this resolution was introduced on April 25, precisely at the time that Soviet paratroopers were seizing 10 facilities and several Lithuanian officials reported that Soviet officials denied all knowledge or responsibility for these actions. So once again the pattern was set: Soviet paratroopers, Soviet forces take action in the Baltic, occupying buildings, killing people, wounding people, and the Soviet central Government denies any knowledge that this happened.

Mr. President, one might ask who ordered the paratroopers to occupy the buildings? If it was not Mr. Gorbachev, who was it? If Mr. Gorbachev does not know who ordered them, that should be troubling to all of us because it implies a rogue military operation or a rogue security operation. If it was Mr. Gorbachev who ordered it, then the pretense of sensitivity to independent movements or democracy movements on his part is totally unmasked. Mr. President, this is not the time to do this.

April 25, as I say, was the precise day these buildings were occupied by Soviet paratroopers, later to be denied by Soviet authorities. Today, Mr. President, when we again debate this resolution, is the exact day that the Helsinki

Commission is meeting, and testifying there is President Landsbergis of Lithuania. On the exact day that President Landsbergis and other Baltic State members are clearly stating that the repression of the Soviet Union has not decreased, the Senate is considering whether we should extend another \$1.5 billion in credit guarantees to the Soviet Union. There could not be a more inappropriate time to consider this.

If we want to have change in the Soviet Union, the political leadership of the Soviet Union must understand that they have to make their own country hospitable to foreign investment; that you cannot cut a political deal between the leader of one country and the leader of another country and get the business people of the private sector in the West to invest money in the Soviet Union and lose it for political purposes. That is not the way our system works.

I continue to believe there is a fundamental misunderstanding on the part of the Soviet leaders; they continue to miss that unless a business person believes he or she can make money by investing in the Soviet Union because there has been market reform, a market mechanism, banking system, reasonable tax system, they are simply not going to invest. And no matter what the President of the United States or the Senate says, that investment will not be made by us stepping in and saying, well, here is a little credit guarantee; we want to help you for political purposes. We are conveying to the world, and specifically to the leadership of the Soviet Union, that they can continue to count on United States subsidies irrespective of changes in their economic structure and that the tough decisions with regard to market mechanism they do not have to make because we will continue to subsidize them.

Mr. President, that does not promote a higher standard of living for the people of the Soviet Union. It continues to support a centralized system that suffocates economic initiative and higher standards of living.

So, Mr. President, I hope we would not move on this resolution today. As I said, this is not without some cost. The cost to the taxpayers of this kind of subsidy is anywhere between \$200 and \$500 million. What can we do with \$200 to \$500 million, Mr. President?

Well, \$200 million would mean about 60,000 more kids in the Head Start program. It would mean about 400,000 more children in the Women, Infants and Children Feeding Program getting better nutrition.

How do we want to spend our money? We have a big budget deficit. Do we want to spend our money subsidizing a centralized repressive regime in the Soviet Union that is not willing to confront the basic problem facing their country—the need to revitalize their economy—and which has lapsed back

into a repressive apparatus that is destroying freedom and liberty once again in a very obvious way in the Baltic States and elsewhere?

Or, do we want to stand clearly for a point of view that says the world is an open capital market? If you want investment, you have to change. If you change, you will have a flood of investment. If you do not change, you will not have it. You really never get free democratic reform if you do not democratize because the people do not want to bear the burden of that reform unless they choose to do so. That is the basic question.

If we hedge around the edge and refuse to pose that for the Soviets on a continuing basis at the highest levels of government, we will not see the kind of changes that we want in the Soviet Union—frankly, that the Soviet people deserve, because I believe the Soviet people deserve a higher standard of living, and a more secure life. I believe all people do. I believe the people of the Baltics, Lithuania, Latvia, Estonia, deserve freedom, independence and democracy, and a number of other republics as well.

We will not get it with this kind of subsidizing of a system that continues to deny the basic freedoms to its own citizens and wastes its colossal resources through a massive blundering centralized economic apparatus.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I have been advised that there is no objection if I ask that the recess at 12:30 be postponed an additional 10 minutes. I make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I rise in opposition to Senate Resolution 117. The sponsors of this resolution are urging the President to expeditiously complete his administration's review of the Soviet request for \$1.5 billion in additional agricultural credit guarantees.

This seems mild enough on the face of it, but the real question at issue here is: should the United States put the American taxpayers' dollars at risk to bail out the Soviet Union's Government when its own leaders, time and time again, have refused to fundamentally reform the economic system within the Soviet Union?

We all want to help the American farmer. That really is not the issue here. We want to reduce our deficit, and that is really not the issue here. I believe, however, that the overall risk and tradeoffs involved in the proposed resolution to help Gorbachev are not worth the risk. In the long run, it could end up hurting the American taxpayers substantially. These risks far outweigh the possible short-term benefits that the credit guarantees will give to the Gorbachev regime. At this time, it is not even worth it to the farmers, because it would be a short-term gain, and they will pay for it later, in my opinion.

Senate Resolution 117 is predicated on a set of "binding assurances"—and I think a modification will be asked to be approved here by the Republican leader—which, if combined with the extension of credit guarantees on an installment basis, the sponsors believe would adequately safeguard against the risk of the default, and the misuse of these particular credits.

But before discussing the specific assurances cited in the resolution, and its potential modification, let us think about the credibility of any assurance we might receive from President Gorbachev at this time. I am not here to bash President Gorbachev. Yesterday I made a statement complimenting him on his involvement with the peace process in Angola. I am here to point out the reality of what I think is occurring and what many others feel is occurring in the Soviet Union today.

In my numerous meetings with Baltic and Soviet Republic leaders, I am told repeatedly that President Gorbachev is no longer relevant to the process of democratization. We have all been watching the power struggle going on in the Kremlin for the past several months. I submit that Gorbachev is not in a position at this time to assure anyone of anything, even the assurances proposed for modification of this resolution.

For argument's sake, let us assume that he is. I wonder how many times the Soviet leadership's actions have to fly in the face of its assurances before we begin to question the wisdom of wasteful symbolic gestures of support for Mr. Gorbachev? Let us review the records of some of his assurances in the past. One which comes quickly to mind is related to the events in the Baltics earlier this year. My colleague from New Jersey went over that this morning.

None of us will forget the tragic bloodshed which occurred in Vilnius on January 13 of this year. Innocent people were gunned down who were peacefully pursuing their rightful independence through the democratic process that Gorbachev himself set in motion. Despite assurances to the contrary, the slaughter was repeated a week later in Riga. Moreover, the Vilnius TV tower

is still being illegally occupied by Soviet troops. And, even more chilling, just 2 weeks ago the Soviet military continued their intimidation and seized several government buildings and airfields in Lithuania.

If my distinguished colleagues can stand here in this Chamber and define Mr. Gorbachev's assurances as credible, then I would like to see the dictionary they are using to define that word. Perhaps they are reassured by the word "binding," but given the Soviet Union's record to date of keeping promises, I do not think the American people will be reassured. The Soviet people certainly do not seem to be demonstrating any confidence in the Kremlin's leadership.

What are these binding assurances that would merit the United States Government extending to the Soviets guarantees of \$1.5 billion of American taxpayers' money? Make no mistake, this is an obligation the American taxpayer will have to pay if there is a default. A key assurance which this resolution would require is that the credit guarantees be repaid. Naturally, we want that. I would agree that this assurance should be on the top of the list. But how can we responsibly assume that will occur when the Soviet economy is in a free fall at this time, and the Kremlin leadership refuses to take the necessary steps to reform that economy?

The 1990 agricultural bill passed by the Congress and signed into law by President Bush specifically states that the Department of Agriculture must determine the credit worthiness of each recipient country. In the case of the Soviet Union, the administration should be able to make that determination very quickly. But if the administration does not trust its own instincts, it should take into consideration how the financial institutions in other countries view the Soviet Union's credit worthiness. The European banking community does not believe the Soviet Union is a good risk. For the first time in modern history, it recently took the unusual step of declaring the Soviet Union uncreditworthy.

While the French and Canadian Governments have just put together a grain credit guarantee package, it should be noted that a bank's assessment of creditworthiness is made independently from its country's political agenda. This assessment can and should stand alone as a valid measure of appraisal.

In April, French bankers refused loans to the Soviets even though the French Government offered to guarantee 95 percent of those loans. Germany, Japan, and Great Britain all await repayment from the Soviets on hundreds of millions in overdue loans. Even Japan, Mr. President, even Japan, which is notorious for providing bil-

lions in unsecured loans to many countries with potentially lucrative markets, rebuffed Mr. Gorbachev when he asked for that country's help in bailing out his failing economy.

I would also point out that the EC credit guarantee package of \$750 million which is under review does not include creditworthiness as a criteria. European political leaders who choose to ignore their bankers' evaluations do so for political reasons and not necessarily on the basis of sound fiscal policy. But we are bound by law to use creditworthiness as a criteria in order to protect our American taxpayer.

I assume the sponsors of Senate Resolution 117 agree this is a prudent approach, especially in light of our escalating budgetary problems.

Another assurance the resolution requires is that the credit guarantees be used to feed the population and not go to support military institutions or the party apparatus and the people connected thereto.

Let us assume that an efficient and verifiable distribution system could be established so that the grain actually did go to areas in the Soviet Union where the population is most in need. Giving the Soviets agricultural guarantees simply enables them to continue their high levels of military spending. On the other hand, paying for grain in cash would force them to choose between competing economic priorities, as we have to do in this country as we lower our defense expenditures. American taxpayer dollars should not be put at risk because the Soviet Government refuses to make the hard choices needed to genuinely reorder its domestic spending priorities.

As for the assurance that the guarantees not be used to apply coercive pressure to the Baltics or any of the Republics, that needs little discussion. The continued occupation of the Vilnius TV tower by the Soviet military and their outrageous acts of intimidation in several Lithuanian cities in the past few weeks, make a mockery of this assurance.

Senate Resolution 117 further proposes that the \$1.5 billion be "tranche"—that is kind of a new word to this Senate—in three installments so that Soviet compliance with the assurances can be evaluated before each apportionment of credit guarantees is authorized for additional release. In December of last year, I reluctantly went along with President Bush's decision to extend \$1 billion of credits to the Soviets for humanitarian purposes.

Today, I think we have to ask ourselves, if the above assurances had been in place at that time, would Soviet actions since then justify tranching more credits. I do not see how the answer could be anything but a resounding "no."

In my view, if we are going to risk the taxpayer's money on the Kremlin's

assurances, we at least should wait until the first interest payment on the \$1 billion in credits the Soviets drew in January.

Comes due in July. Why not wait and see if the Kremlin keeps its obligation to pay the \$31 million it will owe us at that time?

Furthermore, why should we put our taxpayer's money at risk to provide grain when there are substantial stores of grain in the Soviet Union that Soviet farmers themselves will not put into the marketplace because they mistrust their own Government's policies?

What makes this all so ironic is that Gorbachev is the former Minister of Agriculture. He spent much of his career in agricultural related jobs and yet he lacks credibility within the Soviet farming community. If his own farmers do not trust him, why should we?

We also hear the supporters of credit guarantees talk about famine in the U.S.S.R., but most intelligence sources report that a famine is not likely to occur this year. However, if food shortages should become absolutely critical, the Soviet Government has gold reserves valued at over \$20 billion, \$20 billion, Mr. President. Yet some are willing to put U.S. taxpayers' dollars at risk so the Kremlin does not have to spend its own money or even worse, reform its economic system.

The resolution urges the President to include in his negotiations with the Soviets a "strong admonition that the only long-term solution is fundamental free market reform." I would simply observe that reform should not be a long-term goal; it must begin now. Furthermore, I think Gorbachev has made it very plain what he thinks about free market reform, just 2 weeks ago he stated that he preferred the "Socialist choice."

We all know what socialism has done for the Soviet Union. Should we continue to let Gorbachev rely on the West to shore up his failed Socialist economy? I think the answer is, we should not.

President Bush has understandably expressed serious reservations about extending these additional guarantees. I agree with the President. As I mentioned earlier, we all support the American farmer, but to quote a Washington Times editorial of May 3:

Subsidizing the failed economy of the Soviet Union only forestalls the day when Mr. Gorbachev—or whoever may be in power—must make the changes necessary to become an economically and agriculturally self-sufficient nation. *** American subsidies for Mr. Gorbachev's bankrupt State must end.

The Soviet Union was once one of the world's major producers and exporters of grain.

Tragically, its leaders have now been reduced to publicly pleading for foreign aid because they can no longer feed

even their own people. No, Mr. President, credits will help neither the Soviet people nor the American taxpayer; only the Soviet Government, in a genuine democratic partnership with its own citizens, can accomplish the changes that need to be accomplished.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I commend my colleague from Arizona. I think he very cogently put forth the reasons that the United States should not be in favor of extending loan guarantees to the Soviet Union and to the administration of Mikhail Gorbachev, but why indeed we are talking about United States taxpayers belying up to put forth their hard-earned dollars for an administration that talks about human rights but does everything in its power to crush them when and if their own authoritarian regime may be at stake.

Although it has become fashionable to think of the Soviets as our friend and to sneer at those who not long ago referred to the Soviet Union as the evil empire, with gorbymania still existing in many quarters throughout our country, I think it is important that we look at the record and speak to the people who know. Speak to the recent emigres from the Soviet Union—the Balts, the Jews, the Ukrainians—and the perspective is a very different one. They know Gorbachev for what he is: simply the latest inheritor of a Leninist mantle. He and his minions have engaged in systematic intimidation and violence in a desperate hope that terror can hold their crumbling empire together.

They have sought to crush the fragile flower of independence wherever it dared to bloom. The Balts, the Georgians, even the Russians, have faced Moscow's challenge with courage but their cries for help have gone unanswered. I am embarrassed to say that in the name of major power politics we have done to those seeking freedom in the Soviet Union what the world powers of another time did to the Czechs. We do not even have the courage to set up an information center in the Baltics, depending, rather, on the Soviet propaganda minister for insight.

Now we are being asked to support another grain sale. Is the world market for grain so poor that we would sell it to the devil himself if he knocked on our door? I cannot believe that it was just this last spring and summer when we debated Iraqi sanctions. My colleagues were all aflutter because sanctions would endanger grain sales to Saddam Hussein.

Have we not learned our lesson? New York has its share of farmers, though admittedly not grain farmers. If I had opposed sanctions to sell apples, or wine, or duck, or dairy to the Butcher of Baghdad, I believe the farmers of

New York would have run me out on a rail. Can the farmers of the great Midwest be any different?

There must be and there are other markets. Let us find them, rather than continue to feed those who oppress the people. Let us open up opportunities in the Republics. Let us deal with them. Let us deal with those who represent freedom and not those who represent the forces of tyranny.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I rise today to express my strong support for Senate Resolution 117. The extension of agricultural export credit guarantees to the Soviet Union supports United States goals, both domestic and international.

From an economic standpoint, the extension of export credits is good for American farmers and improves the U.S. trade balance. Hard hit by depressed prices, producers of wheat, corn, and soybeans need access to new markets. Export credits provide an inroad to the Soviet market, one of the largest in the world.

Regardless of our policy toward the Soviet Union, instability caused by food shortages and hunger is never in our interest. Former Foreign Secretary Eduard Shevardnadze, himself a strong critic of Soviet moves away from reform, made exactly that point in his meeting yesterday with President Bush. Mr. Shevardnadze made a strong case for extending export credits.

I urge the adoption of Senate Resolution 117. Agricultural export credits are a mechanism that provides simultaneous benefits to both our domestic economy and our international interests.

Mr. WALLOP. Mr. President, I rise today to speak against Senate Resolution 117, a resolution supporting Soviet agricultural export credit guarantees. While I have great concern for the plight of citizens within the Soviet Union, I cannot support a resolution which has the effect of wasting scarce taxpayer dollars and which will not do anything to help the average person in the Soviet Union.

Maybe some of us have forgotten, or have chosen to overlook it. Moscow is broke. Just 4 months ago, on December 12, 1990, President Bush extended \$1.3 billion in agricultural credits and export guarantees to Moscow. At that time, the President did not express reservations about the Soviet Union's creditworthiness or the low probability that these loans would actually be repaid. In fact, this transaction was made possible by the President's decision to waive the Jackson-Vanik amendment which statutorily linked preferential trade status to respect for human rights.

But Moscow had not yet even enacted legislation guaranteeing what Scoop Jackson called the touchstone of all such rights: the right of free emigra-

tion. It is still unclear whether the Soviet Government will permit genuinely free emigration. Although an oft-postponed vote on such legislation is currently scheduled for May 7, today, Soviet central authorities continue to signal great reluctance to grant their citizens the opportunity to vote with their feet as their East German counterparts did in 1989, with catastrophic results for Moscow's friend Eric Honecker.

Today, with those funds nearly exhausted, the situation in the Soviet Union is no better, and a new Soviet request for a further \$1.5 billion in Commodity Credit Corporation credits, the President is expressing serious concern about Moscow center's credit rating.

He said:

[The Soviets have] got to move forward to be creditworthy if we're going to [extend additional agricultural export credits].

But concerns about Soviet creditworthiness were every bit as justified last December as they are today. A major IMF-led study commissioned by the G-7 nations at last year's Houston economic summit revealed that the Soviet Union was a basketcase economically and would remain so in the absence of wholesale structural reforms. Apparently, no rigorous assessments were made in December. If they had been, they most certainly would have arrived at the same conclusion that the President came to last week.

But perhaps more important, Mr. President, is this. Over the past several months of meeting with parliamentarians from various republics—Georgia, Estonia, and so on—I have heard repeated comments from them regarding the actual fate of U.S. humanitarian aid and supplies. When the United States sent medical supplies, food, and clothing to aid the victims of the earthquake in Armenia in 1989, those items were seen 2 days later on the black market in Estonia. The bulk of it, however, did not get past the senior members of the Soviet military and well-connected apparatchik.

Finally, Mr. President, the idea that the United States would agree to extend additional credit to the Soviets is made still more preposterous by the U.S.S.R.'s present economic situation. Given the insolvency of the Soviet Central Government, such assistance would actually amount to providing Moscow not with American loans, but with outright grants, irretrievable gifts from the American taxpayer. I don't think they want to join Western companies who now find themselves part of the U.S.S.R.'s current \$6 billion in payment arrearages. If any of us have doubts about their ability to repay, let us remember back several weeks ago when the Italian Government was forced to seize Soviet freighters as a desperate attempt to retrieve moneys owed them.

I understand that the total credit amount would be divided in three parts, and that additional amounts would be provided contingent upon the acceptable distribution and/or repayment of previous credits. But even this approach would ensure that half a billion worth of credits would be squandered. Moreover, the language does not assure this Senator that the remaining billion would actually be denied Moscow.

We must be firm and we must be clear. There cannot be further United States aid to Moscow without fundamental economic reform. We must tie additional credits following, not prior to, the adoption of wholesale political and economic reforms. Like any United States taxpayer applying for a loan, the Soviets should be required to secure United States credit with collateral, real collateral and not promises of future deliveries. Moreover, we must be prepared to monitor the physical delivery of grain and other foodstuffs to republic capitals. There is no reason to accept assurances from Moscow that there will be an equitable distribution.

Mr. President, to vote in favor of this resolution is to say "yes" to Gorbachev and the repressive regime in Moscow and to say, in effect, "no" to genuine reform and the democratically elected leaders of the republics which must prevail over the long term. I cannot do that.

Thank you, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon at 12:41 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONSUMER PROTECTION AGAINST PRICE-FIXING ACT OF 1991—MOTION TO PROCEED

UNANIMOUS-CONSENT AGREEMENT—CLOTURE
VOTE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 429

occur at 2:30 p.m. today, and that the mandatory live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mr. CRANSTON. Mr. President, I rise today to echo the statements of my colleagues who have spoken in support of S. 429, the Consumer Protection Against Price-Fixing Act of 1991.

Retail price fixing or vertical price fixing exists when a supplier of a product and one of its high-price retailers conspire to shut out another retailer that sells the supplier's product at a discount. Despite these complicated sounding terms, one need not be an economist or an attorney to realize that when discount sellers are run out of business or forced to sell their products at a higher price, the consumer is the one who loses.

Mr. President, unfortunately, recent Supreme Court decisions have made it more difficult for discount retailers who have been terminated to prove that their termination was the result of illegal price fixing—even though many price-fixing activities are, as described by one attorney, based on winks and nods.

S. 429 is significant because it addresses the illegality of conspiracies between manufacturers and retailers which are intended to curtail competition. It strikes the appropriate balance by protecting the consumer and discouraging while maintaining business competitiveness. I urge my colleagues to reinstate the legal protection that price competition once had and to arrest the antidiscouragement and anticonsumer trend that has been unleashed.

Mr. GRASSLEY. Mr. President, yesterday we started debate on the retail price maintenance legislation, and as the debate we already heard yesterday suggests, we have been going round and round on retail price maintenance for quite some time. The issue is a very complex one involving, as it does, the many dimensions of modern retailing in the free marketplace.

Most assuredly, the issue is not one defined by whether or not we are for or against consumers or lower prices. Everybody—let me emphasize, everybody I know—is for lower prices for consumers. We are all for greater value in the marketplace and no one in this body or outside this body favors price fixing.

Vertical price fixing has been against the law since 1911 and nobody proposes a change now, least of all this Senator. The question is whether this bill, as currently drafted, will benefit consumers, and the answer I wish was clear, but it is far from clear.

Consumer welfare is the goal of antitrust law, and it ought to be the goal of our antitrust policy as well. There is no doubt that American consumers have greatly benefited from the growth of discount retailing. My own family

shops at discounters, and we enjoy bargains just like any other family. Indeed, the Grassley family motto is "never pay retail." But there substantial doubt about the benefits of this bill before us to the consumers of America. Indeed, about the only point on which there is no doubt is that there will be a great deal more antitrust litigation if S. 429 does become law. Unfortunately, more litigation will do nothing to help consumers get the lowest price possible, though it surely will fatten the wallets of lawyers. Indeed, lawyers may be the only type of consumer truly benefited by S. 429.

Mr. President, I have set out my views in detail on this bill in the committee report on S. 429. I also wrote separate views on last year's bill, S. 865, a bill that is identical to this year's version. I will not state the arguments at this point but will defer giving those arguments until a later time.

Let me simply say at this point to the managers of this bill—and all of these managers I have the greatest respect for—I hope there is room for accommodation of the codification of the per se rule and modification of the so-called Monsanto rule without the added baggage of the rest of the bill.

Mr. President, I am ready to try to assist in this effort. I remain very sympathetic to the plight of discount retailers. Unfortunately, the bill before us is a product of a very unconventional agreement which has actually prevented it being improved by the committee process.

Our committee has simply thrown this bill over the transom, so to speak, leaving it to be fixed on the floor of the Senate even after we voted it down in committee by an 8-to-6 margin. Most bills under those circumstances would never be discussed on the floor of this Senate.

In fact, our committee history on this bill shows that it is actually getting less and less attractive. Two Congresses ago, 4 years ago, a compromise I worked on with the Senator from Ohio and others passed the committee without objection. Last year, a different version passed out of committee by a mere 7-to-6 vote. And now that very same bill, the one before us today and yesterday, has lost by an 8-to-6 margin, and yet here we are debating this bill as if it had been approved by the Senate Judiciary Committee. This Senator finds this very odd, to say the least.

I again remind my colleagues that we once had a consensus on this issue, and surely if we have had a consensus on this issue before we can have a consensus again, not a bill being discussed in this Chamber that was defeated in committee by 89-to-6 vote but a bill that would be before us, as 4 years ago, that was voted out automatically.

So I hope that we do not squander perhaps forever the fact that consensus is possible on this subject. Let us do what we can, when we can, in this very complex area of law.

I thank the Chair. I observe the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator from Iowa delay the request so that the Chair may state the pending business of the Senate?

Mr. GRASSLEY. I will withhold my request.

Mr. SHELBY. Mr. President, I rise today in support of S. 429, the Consumer Protection Against Price-Fixing Act of 1991—a bill to benefit American consumers by encouraging the widest possible selection of goods and services at the lowest prices. This legislation is expected to save American consumers \$20 billion a year, and it does so without raising taxes or increasing the Federal deficit.

Simply stated, S. 429 would restore the 80-year-old principle that resale price maintenance agreements are a restraint of trade and are automatically unlawful. An example of a resale price maintenance agreement is a binding understanding between a manufacturer and retailers requiring the retailers not to sell the manufacturer's goods below a specified price. These agreements reduce competition and increase the cost of goods and services to American consumers by forcing discounters out of the marketplace.

In the landmark case, *Dr. Miles Medical Co. v. John D. Parks & Sons Co.*, 220 U.S. 373 (1911), the Supreme Court held that resale price maintenance agreements are per se illegal under the Sherman Antitrust Act. Recent Supreme Court decisions, however, have threatened the holding in *Miles*. Two major cases, *Monsanto Co. v. Spray-Rite Corp.*, 465 U.S. 752 (1984), and *Business Electronics Corp. v. Sharp Electronics Corp.*, 108 S. Ct. 1515 (1988), have narrowed the circumstances in which a court or jury can find resale price fixing.

In the *Monsanto* case, the per se rule was not overturned; however, the Court held that there must be evidence that "tends to exclude" the possibility that the supplier acted independently. In other words, there must be direct or circumstantial evidence that tends to prove that a supplier and a nonterminated dealer had a conscious commitment to terminate a competing dealer to curtail price competition.

The *Sharp* decision was even more detrimental than *Monsanto* because the Supreme Court modified the per se rule. In *Sharp*, the Court ruled that in order to find a per se illegal price fixing agreement, there must be a second agreement on a specific price or price level to be charged by the remaining retailer following termination of the discounter.

Monsanto and *Sharp* effectively stifle competition and increase the price of

brand-name consumer goods. Discounters are driven from the marketplace and have little recourse against suppliers and remaining dealers who have conspired against them for selling cheaply. The real losers, however are the low- and middle-income Americans and those on fixed incomes who depend on discount stores to help them make ends meet.

Congress must intervene again to keep competition in the marketplace. I say again because this is not a new issue for Congress. In 1975, Congress repealed the fair trade laws which allowed States to permit retail price maintenance. Two Department of Justice studies in 1969 and 1975 respectively, documented the harm caused to consumers by vertical price fixing. In the first study, Justice Department data indicated that consumers would save \$1.2 billion a year if fair trade laws were eliminated. The second study estimated that prices of consumer goods in States allowing vertical price fixing were 18- to 25-percent higher than in States prohibiting the practice.

Congress must continue to work to protect consumer welfare by ensuring vigorous price competition in the marketplace with the passage of S. 429. The bill has three components. First, it would codify the well established principle that resale price-fixing agreements are per se unlawful. Second, it would clarify the evidentiary standard for jury consideration of certain vertical price-fixing cases. Specifically, the bill would require a plaintiff to show that:

A dealer made a request, demand or threat to a manufacturer that the supplier take steps to curtail or eliminate price competition;

Because of such request, demand or threat, the supplier terminated or refused to continue to supply goods to a competitor of the dealer; and

The request, demand or threat is the major cause of termination or refusal to continue to supply.

Finally, the bill would make clear that an agreement between a manufacturer and a retailer to terminate another retailer in order to eliminate price competition is illegal, whether or not a specific price or price level is agreed upon. This would overrule the *Sharp* decision.

I urge you to support this proconsumer legislation not only because more competition is always better than less competition, but also because increasing concentration of wealth in our society is inconsistent with the values of the Founders of our Nation. I also urge you to support this legislation because it should increase consumer confidence in our economy which is so badly needed to lessen the impact of the deepening recession in which we find ourselves.

Thank you, Mr. President. I yield back the balance of my time.

Mr. DURENBERGER. Mr. President, I am going to cast my vote against invoking cloture at this time. That is because I believe further debate is needed on this bill because of the overblown rhetoric surrounding this legislation.

Supporters of S. 429 suggest that this is a bill which will only serve to encourage further discount pricing of retail merchandise throughout the country by discouraging manufacturers from engaging in vertical price-fixing arrangements. Opponents contend that this legislation will make it impossible for a manufacturer to legitimately discontinue a retail distributorship without the threat of prolonged and expensive antitrust litigation. Somewhere in between lies the truth, and I believe we should have a full and complete exposition of these issues before we vote on this bill.

Mr. President, since 1911, the Supreme Court has developed a long line of antitrust cases concerning vertical—manufacturer-wholesaler-retailer—price-fixing agreements. The rule has always been, and remains today, that it is per se a violation of the antitrust laws for a manufacturer to conspire with his dealers to fix the price of goods sold to the public. It is also well settled that a manufacturer's termination of one of its dealers as part of a conspiracy to fix prices, is a per se violation of the antitrust laws.

It is also well settled that a manufacturer has the right to sell his product to whomever he wants to do business with, and that a manufacturer can unilaterally terminate a dealer without violating the antitrust laws. The principal distinction in these cases is that as long as the manufacturer's actions are unilateral, and not pursuant to any agreement with other distributors, the antitrust laws are not violated.

Mr. President, S. 429 will not change the substantive law against price fixing. What this bill will do is to overturn two Supreme Court decisions that address the question of the degree of proof necessary to establish illegal concerted activity. This is a bill about burdens of proof; it is a bill about the nuances of evidence that must be presented to a court in an antitrust case.

Mr. President, discounting is thriving in America. More than \$160 billion was spent in discount and mail-order operations last year. Full-priced merchandising is truly becoming a retail dinosaur. If I believed that there was a real threat to the growth of discount merchandisers, I would surely back this bill. But I am not convinced that this amendment to the Sherman Act is called for.

Mr. President, the way this bill is currently structured, I believe that manufacturers will surely think twice before they discontinue doing business with any retailer. This bill will make it easier for terminated merchandisers to threaten expensive and time-consuming

antitrust litigation. Many manufacturers will probably have to enter into expensive settlements just to avoid prolonged litigation. Those costs will surely be passed on to consumers.

Mr. President, there are legitimate nonprice reasons that manufacturers choose to stop doing business with certain retailers. Many manufacturers demand a high level of service quality from their dealers. Some discounters and nondiscounters may choose not to provide such service. Manufacturers surely have the right not to continue business relationships with these retailers and should not fear the threat of a frivolous antitrust suit if they terminate their relationship. I believe this bill tilts too far in favor of the retailer.

Mr. President, I hope that both sides—consumer advocates and business groups—can now come together to fashion compromise legislation. I am not satisfied with the standards enunciated in the Sharp Electronics case and believe that if we could craft a compromise the best interests of consumers, retailers, and manufacturers can be satisfied.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The Senate continued with the consideration of the resolution.

Mr. GRASSLEY. Mr. President, the discussion today on the sale of grain to the Soviet Union is very important to my State. More importantly, it is important to the entire country. Of course, it is a very thorny issue because it involves trade with the Soviet Union, a country that has not always been friendly with the United States and some people may not even think friendly today. But Senate Resolution 117, which I support, will allow the Senate to be on record in support of extending export credits to the Soviet Union providing certain conditions are met by the Soviets.

At first glance, the proposition of extending export credits to the Soviets may seem questionable. There is no doubt that the Soviet economy is presently struggling. This is in part because they have not been vigorous enough with their free-market reforms. Their economy also suffers because of the political upheaval over the centralization versus confederation.

Furthermore—and this is why we are debating this resolution—the 1990 farm bill includes specific creditworthiness requirements that must be considered before providing any nation export credits. We must remember the legislative history surrounding these new provisions. In short, one of the primary catalysts for the creditworthiness section was our recent experience with Iraq. But in view of Iraq's huge oil revenues, who could have argued that they were not creditworthy before they invaded Kuwait? Iraq proved to be far more a political problem than an economic problem.

Could the Soviets once again fall into the hands of aggressive, antagonistic leadership, leadership that refuses to honor its commitment to repay credit? Of course, that is possible. Is it conceivable that the Soviet economy could collapse, foreclosing their ability to repay? Of course, that is a possibility.

By extending these credits to help feed the Soviet people, would the United States help prevent antagonistic leadership from taking control or help prevent the Soviet economy from collapsing? I believe it would help to some degree. This is why I believe that we must consider the extension of credit to the Soviets, at this critical crossroad in history, as an investment for a safer, better world.

I believe it might be most helpful to consider giving these credits as an investment. We are advancing credits to the Soviets so that people can eat. This strikes me as an admirable goal. The Soviets are experiencing food shortages. As the Soviets move further from communism's command economy and slowly toward a market system, such disruptions in the supply of food and other goods will occur. For instance, some Soviet farmers withheld crops from the marketplace last year because of uncertainty over whether they would be paid. Such actions hurt Gorbachev's ability to make reforms.

In today's paper, it is reported that former Soviet Foreign Minister Shevardnadze, who has been on the Hill today, told President Bush and Secretary of State Baker that no less than the fate of reform and democracy in the Soviet Union hang in the balance. I think that most of us in this body would consider Mr. Shevardnadze to be a credible proponent of democratic institutions within the Soviet Union. Given his statements, we must therefore weigh the real costs of credit guarantees: Will the Soviets fall back into the control of the hard-line, cold war regime while the United States stands idly by? Or will the United States open its huge stocks of wheat and feed grains and cast our lot with those who are willing and moving toward a more open society?

As I stated earlier, the supporters of this resolution have no intention of being left holding the bag, and we do

not believe that any credit guarantees made by the United States will be followed by guarantees from the Soviets that those who need any food purchased will in fact receive distributions in an equitable manner. There have been rumors that the Soviet government used credits extended last November to coerce republics into supporting the union treaty. There were also rumors that the Baltic Republics were denied food because of their independence movements. I would note that the Soviets have provided distribution tables to refute these claims. I think that Senate Resolution 117 correctly addresses this issue by explicitly stating that the Soviets must guarantee and detail where purchased commodities will be sent. Mr. President, we want to sell them food, but we are wary. Senate Resolution 117 makes it clear that this is not a blank check in terms of aid or money.

We should be clear what exactly Senate Resolution 117 is about. This resolution does not say that we should blindly agree to back any loans the Soviets need to purchase goods. This resolution says that the administration should work expeditiously to evaluate whether the Soviets are creditworthy—as directed by the 1990 farm bill—and if so, that the Soviets should meet certain other criteria, some of which have already been spelled out. This resolution provides direction to the President, but it does not mandate credit guarantees be made.

Mr. President, being able to provide credits to the Soviets once again shows the superiority of the free market system to command economies of Socialist nations. The Soviet's system is strained just moving its harvest to market while in the United States we have to restrain our farmers from producing too much. At the same time, when our bins are bulging with grain, we should seek innovative ways to move our excess supplies. I want to believe the Soviet system is changing, and that it represents an important market that will be of great interest to us for the foreseeable future. If credits are guaranteed, we can feed the Soviet people and we help the American farmer. These are two admirable goals, and with the directives provided for in this bill, we can meet them. I hope my colleagues will support adoption of Senate Resolution 117.

The PRESIDING OFFICER. The Chair states that there are two pending orders, one on Senate Resolution 117, and the second on the cloture motion, on the motion to proceed.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Members of the Senate, there were originally scheduled to commence at 2:15 today two votes, the first one on Senate Resolution 117 in-

troduced by Senator DOLE, to be followed immediately by a vote on the motion to invoke cloture on the motion to proceed to S. 429, the legislation dealing with consumer protection and retail price discounts.

We have already obtained a unanimous-consent agreement for the cloture vote—that is, the second one just described by me—to occur beginning at 2:30 p.m. There has been an agreement worked out to delay proceeding to the Dole resolution until later this afternoon and I will at the earliest opportunity seek unanimous consent for that unanimous-consent agreement to be propounded and agreed to.

I inquire of the Chair. Am I correct that unless some agreement is reached with respect to the Dole resolution prior to the vote on the cloture petition that the vote on the Dole resolution would occur first as under the previous order?

The PRESIDING OFFICER. The vote would occur on or in relation to that.

Mr. MITCHELL. Prior to the vote on the cloture motion.

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. Mr. President, I am going to suggest the absence of a quorum to permit the presence of Senators who are participants in the agreement on the Dole resolution in hopes that we can momentarily get that, and then proceed immediately thereafter to the vote on the cloture motion.

Mr. President, I suggest the absence of a quorum.

Mr. EXON. Mr. President, will the leader withhold that for a question that I would like to pose?

Mr. MITCHELL. Certainly.

Mr. EXON. If I understand what the majority leader just said, if an agreement can be worked out on the Dole resolution, which I believe is Senate Resolution 117, that we would have a vote up or down on that resolution as amended very shortly. Is that the plan?

Mr. MITCHELL. The agreement which I intend to propound calls for commencing debate on that resolution at 4:15 p.m., with 75 minutes of debate, with a vote then to occur at 5:30 if all of the time is used, or at an earlier time if some of the time is yielded back.

Mr. EXON. And it would require asking unanimous consent of the Senate to accomplish what the leader has just suggested.

Mr. MITCHELL. That is correct.

Mr. EXON. I say I have some reservations on the resolution as submitted, that I intend to be talking to Mr. DOLE, and the Senator from Oklahoma, and others about it with regard to some kind of a barter arrangement. Can the majority leader tell me whether or not Senate Resolution 117 is amendable between now and when we would have the cloture vote in the approximate time

area that the majority leader has outlined?

Mr. MITCHELL. If there is no agreement to the contrary—and I emphasize that I intend to propound an agreement—but if there is no agreement to the contrary then the resolution may not be modified, and the vote will occur immediately. As part of the agreement I intend to propose that Senator DOLE be permitted to modify the resolution between now or between the time in which the agreement is reached, and the time it is presented to the Senate for consideration at 4:30 p.m.

Mr. EXON. Let me ask this question: If I understood what the leader just said, it would be up to Senator DOLE to provide modification of the amendment. Could other Senators provide an amendment to the Dole resolution?

Mr. MITCHELL. Under the proposed agreement no amendments or motions would be in order once the modified resolution has been introduced by Senator DOLE.

Mr. EXON. I may have an objection to that but possibly we can work something out.

Mr. NUNN. Mr. President, will the leader yield?

Mr. MITCHELL. Yes.

Mr. NUNN. I share some of the same sentiments of the Senator from Nebraska. I would like to be able to work constructively with the Senator from Kansas on a couple of what I think are very essential amendments to his resolution including some explicit directions to the administration to give the American taxpayer some protection here on this credit by taking back some form of barter agreement or arranging for some sort of barter agreement with the oil and gas resources being security.

I would also like to at least discuss seriously the possibility of an amendment that would require the Republicans, at least the Republicans that met with the President of the Soviet Union about a week ago, to be part of this agreement because they are the ones with the resources. Increasingly they are going to have the resources, and we will have to look to them for credit.

In addition I think that by doing that we would be fostering the federation approach in strengthening the decentralization there.

So my question really is, and perhaps the Senator from Kansas could address this, will we have an opportunity to either amend this or work with the Senator from Kansas constructively to modify this resolution?

I think the Senator makes some good points in the resolution but a number of us I think were not aware of any agreement—could have been; I am sure I was out of town—to preclude amendments.

So I ask the majority leader and the Senator from Kansas, would they be willing to allow us either to work with the Senator from Kansas in seeking some amendments, or to be able to propose certain amendments along that line?

Mr. MITCHELL. Mr. President, if I might respond—and then I will yield to the distinguished Republican leader, the author of the resolution, unless we get an agreement now there can under the previous agreement be no modification or amendment, and a vote will occur instantly. The agreement which I will shortly propound will permit Senator DOLE to modify the resolution, a right which he does not now have, and then bring forward the modified resolution at 4:30, 4:15 and then have a vote on it later.

So I will now yield to him. I assume he would be perfectly willing to entertain suggestions by the Senators who may be inclined to support the resolution in that manner.

Mr. DOLE. Mr. President, if the Senator will yield, we were having a discussion, as he was speaking on the floor, with the Secretary of Agriculture in my office and with the Senator from Oklahoma [Mr. BOREN], who I guess had a discussion in the Democratic caucus and with the ranking Republican on the Senate Agriculture Committee, Senator LUGAR, because there have been a number of concerns—I think all of us want to make as certain as we can—about whether we are going to be repaid.

Nobody wants to make it a gift of \$1.5 billion. Plus we want to protect the interests of the various republics. That is made clear in the resolution that we offered and even clearer in the modification.

So what we have been discussing in there, it might be in an effort to accommodate the Senator from Georgia and the Senator from Nebraska on the question about barter, and maybe other questions, if we can agree that we might have the resolution referred to the Senate Agriculture Committee where they can have a hearing and take up various changes, trying to accommodate the concerns of a number of Senators.

I am going to go back to that discussion. I would like to have an open discussion on amendments. We did enter into an agreement—whenever it was—so we would not hold up the budget resolution. Maybe we could have held up the budget resolution, as I look back.

I would be willing to accommodate the Senator from Georgia and, thus far, the Senator from New Jersey and the Senator from Arizona have been most willing to let us modify the amendment. But I do not see how we are going to be able to do that between now and 4:30.

I say to the majority leader that, first, we might postpone consideration

until later this week, or, second, send it to the Agriculture Committee, get the administration up to testify, if that might be agreeable with the Senator from Arizona and the Senator from New Jersey.

Mr. DODD. Mr. President, I wonder if we might as well—and I do not see Senator PELL on the floor.

I totally agree with the point that the Senator from Georgia raised, particularly about the Baltic States and the other republics and their right to be able to exercise independence here; and because of the foreign policy it may be some joint referral, so that the Foreign Relations Committee might look at those aspects and determine the implication of a provision such as the one suggested by the Senator from Georgia before it comes back to the full Senate consideration.

Mr. DOLE. Mr. President, we have discussed the joint referral, too, because there are foreign policy considerations, as well as the creditworthiness law that was put in the 1990 farm bill. As far as I am concerned, it is a pretty good provision.

If we are going to be called upon to pick up the guarantees, then we want to make certain. There is some feeling that the creditworthiness law is drawn so tightly that even in a matter of national interest, the President has no flexibility. But I think if we can have a time limit on it, maybe we can come back.

We met this morning with Mr. Shevardnadze, the former Soviet Foreign Minister, who has great credibility. He thinks we are making a great mistake if we do not approve the export credits. He does not understand any objection to the Baltic States. I guess he has a lot of creditability in this Chamber and elsewhere.

I raise some of the problems that we have because troops landing in Armenia yesterday did not help much, and the fact that the three prime ministers are here from the Baltic States, saying that they prefer not to extend credit, has not been particularly helpful either. I will meet with them later this afternoon.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I yield to Senator LEAHY.

Mr. LEAHY. Mr. President, the suggestion was raised as to the Agriculture Committee as one of the referrals. Of course, I will leave it to the Chair where it goes. If it goes before the Agriculture Committee, naturally, as a courtesy to the sponsors of it, we will try to expedite hearings.

Having said that, I wonder if I might ask the majority leader, when are we going to vote on the cloture motion? I have a hearing underway, and I want to

tell the witnesses whether we will be there or not.

Mr. MITCHELL. Mr. President, one of the problems we have is that unless we reach agreement on the disposition of the Dole resolution—under the prior agreement entered into by unanimous consent 12 days ago, that vote will occur immediately prior to the cloture vote. We are already 15 minutes over on the cloture vote and 30 minutes over on the vote on the Dole resolution.

I see the Senator from New Jersey here, and I would like to inquire of him and of the distinguished Republican leader whether there is any objection to a referral of the Dole resolution jointly to the Agriculture and Foreign Relations Committees. If we can get unanimous consent on that, I am going to inquire of the Chair momentarily that that then permit us to dispose of this matter and proceed to the cloture vote, if we obtain unanimous consent to vitiate the vote on the Dole resolution and refer it to the Agriculture and Foreign Relations Committees.

The PRESIDING OFFICER. If that agreement is reached, then the vote would occur on the cloture motion.

Mr. MITCHELL. Mr. President, I ask the Senator from New Jersey that question.

Mr. BRADLEY. Mr. President, I say to the majority leader that I have no objection to the Dole resolution being submitted to the Agriculture and Foreign Relations Committees to be reported back on June 15. I would have no objection to that—on June 15 or after June 15. I have no objection to that whatsoever.

I do not know if I can speak for Senator DECONCINI, the distinguished Senator from Arizona, but I have no objection.

Mr. EXON. Will the majority leader yield?

Mr. MITCHELL. Yes, sir.

Mr. EXON. Mr. President, I hope that maybe we can get an agreement to do what has just been suggested, make referral of this to the committee of jurisdiction, because I think probably something at least could be worked out that we could come to a vote on. However, I retain my right to object to the unanimous-consent agreement that is being proposed, unless something like that can be worked out.

Mr. BUMPERS. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. BUMPERS. Is it not possible to change the resolution so we can vote on cloture now and resolve the Dole problem later?

Mr. MITCHELL. I am about to propound that, because Senator DECONCINI is not here, and Senator BRADLEY is not able to speak for him, as he has indicated.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. MITCHELL. Yes.

Mr. LEAHY. Mr. President, I do not want to mislead, in any way, the distinguished leaders on the question of referral. This is within the jurisdiction of the Agriculture Committee. If we are going to have referral to two committees, I suggest that it be sequential, first, to the Agriculture Committee which really wrote the credit part and has jurisdiction over the credit part and is the one that has to make the determination on that.

The distinguished ranking member of the Agriculture Committee, Mr. LUGAR, is on the floor. If there is going to be referral to more than the Agriculture Committee, I suggest it be sequential, and it would probably be more appropriate under the rules.

Mr. MITCHELL. Mr. President, it seems to be that there are a number of Senators here anticipating a vote, and it would be most efficient and least inconvenient to the larger number of Senators if we can proceed to have the vote on the cloture motion now and then attempt to resolve the manner in which the Dole resolution would be handled.

I, therefore, ask unanimous consent that the Senate proceed to the cloture vote on the motion to proceed to S. 429.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 429, a bill to amend the Sherman Act regarding retail competition:

Herb Kohl, D.K. Inouye, J. Lieberman, Carl Levin, Claiborne Pell, Paul Simon, Alan Cranston, Bob Graham, Chuck Robb, Howard Metzenbaum, Bill Bradley, Tom Harkin, J.J. Exon, Slade Gorton, Warren B. Rudman, Alfonse D'Amato.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 429, the Price Fixing Act of 1991, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 61, nays 37, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—61

Adams	Ford	Mitchell
Akaka	Fowler	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Gore	Nunn
Biden	Gorton	Packwood
Bingaman	Graham	Pell
Bradley	Grassley	Reid
Breaux	Harkin	Riegle
Brown	Hatfield	Robb
Bryan	Hollings	Rockefeller
Bumpers	Inouye	Rudman
Burdick	Jeffords	Sanford
Byrd	Kennedy	Sarbanes
Cohen	Kerry	Sasser
Conrad	Kerry	Shelby
Cranston	Kohl	Simon
D'Amato	Lautenberg	Specter
Daschle	Leahy	Wellstone
DeConcini	Levin	Wirth
Dodd	Lieberman	
Exon	Metzenbaum	

NAYS—37

Bond	Gramm	Nickles
Boren	Hatch	Pressler
Burns	Heflin	Roth
Chafee	Helms	Seymour
Coats	Johnston	Simpson
Cochran	Kassebaum	Smith
Craig	Kasten	Stevens
Danforth	Lott	Symms
Dixon	Lugar	Thurmond
Dole	Mack	Wallop
Domenici	McCaain	Warner
Durenberger	McConnell	
Garn	Mikulski	

NOT VOTING—1

Pryor

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The Senate continued with the consideration of the resolution.

Mr. BRADLEY. Mr. President, I will ask unanimous consent that selected documentation of human rights violations committed by the Soviet Union

in the Republic of Lithuania from January to April 1991, be printed in the RECORD in full.

Mr. President, the documents include an address of the Supreme Council of the Republic of Lithuania; a statement to the United Nations Human Rights Committee with respect to the end of human rights violations following the intensifying of U.S.S.R. aggression in the Republic of Lithuania; conclusions of the independent military experts of the public organization "Shield" on the events in Vilnius January 11-13; chronicle of offenses committed by U.S.S.R. Armed Forces on the territory of the Republic of Lithuania; eyewitness accounts of the Soviet attack on Lithuania broadcasting facilities in Vilnius on January 13, 1991; information on the victims of the Armed Forces of the U.S.S.R. April 30, 1991; list of injured as a result of Soviet military actions; documents from the department of statistics under the Cabinet of Ministers of the Republic of Lithuania; and a document related to the Supreme Council of the Republic of Lithuania Bureau of Information, dealing with events on January 25, 1991.

I ask unanimous consent that all these documents be printed in the RECORD and available for all Senators to peruse and study in preparation for the resolution when and if it comes to the floor.

There being no objection, the documentation was ordered to be printed in the RECORD, as follows:

SUPREME COUNCIL OF THE REPUBLIC OF LITHUANIA ADDRESS TO THE U.N. SECRETARY-GENERAL AND SIGNATORIES TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Stating that one year ago, on 11 March 1990, Lithuania re-established State Independence and that despite the crimes that are being committed by the U.S.S.R. Military Forces, the Government of the Republic of Lithuania is in control of the Republic's territory and of the situation in the country;

Emphasizing that the 9 February 1991 plebiscite once again indicated the will of Lithuania's people to live in an independent democratic state of Lithuania,

Reminding that many democratic countries of the World have not recognized the forcible incorporation of Lithuania into the U.S.S.R. in 1940;

Expecting that the U.S.S.R. will also change its attitude toward Lithuania's annexation;

Respecting and appreciating the actions of the UNO members, Iceland and Denmark, toward reestablishment of diplomatic relations with the Republic of Lithuania;

Emphasizing adherence to the Universal Declaration of Human Rights;

Pledging itself to cooperate with the United Nations Organization and to ensure universal and true observance of human rights and fundamental freedoms in the Republic of Lithuania,

Accordingly addresses the Secretary General of the United Nations Organization and the signatories to the International Covenant on Civil and Political Rights and requests:

1. To appeal to the UN Commission on Human Rights to investigate the flagrant violation of human rights committed by the U.S.S.R. armed forces in Lithuania on 11-13 January 1991 which is still continuing.

2. To discuss the situation in Lithuania and in the Baltics at the forthcoming plenary session of the UN General Assembly under article 35 of the United Nations Charter, the obligations provided wherein are assumed by the Republic of Lithuania.

3. To condemn the actions of the U.S.S.R. against the independent state of Lithuania, the people of Lithuania and its legally elected Government that violate paragraphs 3 and 4 of article 2 and paragraph 1 of article 33 of the United Nations Charter.

4. To act as a mediator in speeding up the start of the inter-state negotiations between the U.S.S.R. and the Republic of Lithuania, with the participation of observers from the United Nations Organization, contributing in this way to the elimination of threat to international peace and security in the Baltics.

VYTAUTAS LANDSBERGIS,
President, Supreme Council
of the Republic of Lithuania.

VILNIUS, 12 March 1991.

STATEMENT TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE WITH THE REQUEST TO END HUMAN RIGHTS VIOLATIONS FOLLOWING THE INTENSIFYING U.S.S.R. AGGRESSION IN THE REPUBLIC OF LITHUANIA

The Supreme Council of the Republic of Lithuania, which was democratically elected in February of 1990, restored the statehood of the Republic of Lithuania, which has been occupied by the Soviet Union since 1940, by proclaiming on March 11, 1990, the Act of Independence. The will of the people was demonstrated in the Baltic Way protest (the joining of hands from Vilnius to Tallinn) against Soviet occupation on August 23, 1989. At that time, 1,576,569 signatures (59.4% of the population) were collected in Lithuania demanding the departure of the occupying Soviet military forces. On February 9, 1991, in a plebiscite vote, 90.47% (or 76.47% of the voting population) voted in favor of a democratic and independent Republic of Lithuania.

The majority of the nations of the world do not recognize the forceful incorporation of Lithuania, a former member of the League of Nations, into the U.S.S.R. The leadership of the Republic of Lithuania, in fulfilling the free will of the people of Lithuania, has sought through peaceful means, which include political negotiations, to come to agreement with the U.S.S.R. on the restoration of statehood as well as normal inter-state relations between Lithuania and other states.

Unfortunately, since the declaration of the independence of the Republic of Lithuania in 1990, the U.S.S.R. has sought and continues to seek the restoration of an occupational regime in Lithuania through various means, such as the use of military force, the slaughter of peaceful inhabitants and the undermining of independent political structures. These acts of Soviet aggression are supported and consolidated by anticonstitutional organizations active in Lithuania. These organizations represent the occupational regime of the U.S.S.R. which has systematically and brutally violated all documents for the defense of universal human rights. On January 11-13, 1991, special armed forces and other U.S.S.R. military divisions, with the use of tanks, armored vehicles and other military equipment, attacked

the peaceful inhabitants of Vilnius in seeking to assist the leaders of the Communist Party of the Soviet Union (CPSU) in Lithuania to forcefully overthrow the constitutionally elected government of the Republic of Lithuania against the will of the inhabitants.

The U.S.S.R. violates the human rights in the Republic of Lithuania with the intent to destabilize the political situation in Lithuania.

It attempts to once again force a comprised Soviet regime upon the inhabitants of the Republic of Lithuania through the use of the most horrible means of U.S.S.R. military terror;

Draft-age men are being taken from Lithuania and forcefully drafted into the Soviet army;

The right of the people of Lithuania to objective information is being denied as access to the state mass media facilities of the Republic of Lithuania is given exclusively to the representatives of the Lithuanian local division CPSU through the use of the occupied state television, radio stations and publishing houses;

Soviet military treat journalists with brutality, breaking cameras and often detaining reporters;

Disinformation is being spread in the Republic of Lithuania and on an international level through the seized media of mass communications;

Ecological diversions and ecological blackmail such as threats to cut off energy supplies or even to blow up the Ignalina nuclear power plant are widely spread as extremist diversions to intimidate the inhabitants of Lithuania;

The economic blockade of the Republic of Lithuania is being intensified;

The blocking and restrictions of the general use of transportation (train, air and sea transports) for Lithuanian importing and exporting to and from Russia, the Ukraine, Moldavia and other Republics of the Soviet Union;

A state of martial law is being imposed throughout Lithuania through the imposition of U.S.S.R. military rule and military patrols;

State and public buildings of the Republic of Lithuania are being occupied and ransacked;

Archives of Lithuanian history, culture and the press are being destroyed;

Border posts of the Republic of Lithuania are being demolished and the inviolability of the state borders of Lithuania are not being respected;

Peaceful inhabitants of the Republic of Lithuania are being terrorized. Soviet soldiers are breaking into private flats without any Procurator's sanction. The people are being beaten and mutilated (only in January, 1991, 13 people arrested beaten and mutilated (only in January, 1991, 13 people arrested by the military patrols of the Soviet Army were badly injured, 9 were hospitalized with brain traumas or skull fractures, and 2 were shot);

National discord is being sown both in the Republic of Lithuania and beyond it; specially trained agents of the CPSU and KGB are being sent to the Republic of Lithuania to this end;

Institutions of the U.S.S.R. are using the intellectual property of the Republic of Lithuania and its citizens, without the compensation and without the permission of the rightful authors, for the specific intent to support the functions of the occupational regime;

The blocking of the opportunity and means for foreign diplomatic representatives to travel to the Republic of Lithuania, thereby prohibiting them from establishing foreign consulates and other facilities in Lithuania as well as interfering with attempts by foreign representatives to participate in international meetings and other conferences and symposiums held in Lithuania. (For this reason, it was impossible to convene the Second International Human Rights Conference in Vilnius in spring of 1990, international conference on privatization in Vilnius in January of 1991 and many others);

Normal trade, postal and international health service relations are being blocked; in certain cases, medical aid and International Red Cross efforts to assist those suffering from injuries as a result of Soviet military actions are being blocked by the occupational institutions of the U.S.S.R.

All of the above attest to the terror and blackmail being conducted by the U.S.S.R. against the Republic of Lithuania and its inhabitants. Below, certain cases and consequences of the U.S.S.R. aggression against the inhabitants of the Republic of Lithuania and other people in its territory are examined in greater detail.

The threat of these aggressions to the security and cooperation in Europe for the most part was not well taken into account at the United Nations' Human Rights Commission 47th session in Geneva in February of 1991, when discussing the human rights violations by Soviet military forces. Representatives from the U.S.S.R. were only obliged to refer to Commission about purposes of these violations. However, as it is known the leadership of the U.S.S.R. falsified facts about similar incidents of Soviet military aggression in Tbilisi, Baku and Fergana.

I. SOVIET AGGRESSION

In using military force against the political independence and sovereignty of the Republic of Lithuania, the U.S.S.R. committed an act of aggression as defined by the December 14, 1974 UN General Assembly in Chapter 3, article (a).

The U.S.S.R. is utilizing various political methods (e.g., resolutions of U.S.S.R. Congress of People's Deputies, decrees of the U.S.S.R. President, ultimative appeals from the CPSU, etc.) in seeking to impose its own laws on Lithuania. The U.S.S.R. is interfering in the execution of the laws passed by the Supreme Council of the Republic of Lithuania in expressing the will of the inhabitants of Lithuania. Citizens of the Republic of Lithuania are being barred from adhering to legitimate national constitutional rights such as not serving in the occupational U.S.S.R. army, choosing alternative service, etc.

The primary goal of the Soviet Union's political, economic and ecological aggression was and still is to destabilize and overthrow the legitimate, constitutionally elected leadership of the Republic of Lithuania. In this way the rights of the citizens of Lithuania to free self-determination and choice of political power are being grossly violated.

The U.S.S.R. is refusing to withdraw the Soviet army from the territory of the Republic of Lithuania, despite the fact that 1.6 million inhabitants of Lithuania (over 70% of the adult population) signed such a request in the summer of 1989. Furthermore, additional units of the Soviet army and special forces have been deployed in Lithuania after December 1990. Violent "recruiting" of draft-age men into military service has been continuing in Lithuania. Persons having left the Soviet armed forces of their own free will are

being hunted down and forcibly returned. From March 11, 1990 to February 1, 1991, 24 young Lithuanians serving in the Soviet armed forces have been killed and some of them committed suicide. Army supervision is taking place in all of Lithuania on the pretext of searching for draftage men or "deserters". Soviet soldiers are terrorizing Lithuanian state deputies, breaking into private flats, injuring, threatening and intimidating inhabitants.

The "state of emergency" has been attempted to be introduced in Vilnius and other locales of Lithuania by the Soviet military forces in January and February of 1991. Only the Supreme Council of the Republic of Lithuania can declare a state of emergency in Lithuania. Besides, Article 4 of the International Pact on civil and political rights (as well as Article 17 of the U.S.S.R. Law on the Legal Regime of the State of Emergency) requires informing the UN General Secretary about the introduction of such a state. This was not done by Soviet officials.

On January 11, 1991, Soviet paratroopers seized the press house, the Department of National Defence building, buildings belonging to the Hunter and Fishermen's Society, and the Nemecine television retransmission tower. On January 12, the Soviet paratroopers seized the Defence Department's border post on the Pariece-Druskininkai road, blocked the telephone communications of the Lithuanian State News Agency and other information agencies, and seized the dispatch station of the Vilnius railroad center. Important republican buildings being guarded voluntarily by unarmed inhabitants were surrounded and attacked.

On the night from January 12 to January 13, 1991, Soviet paratroops, together with heavy tanks and combat armored vehicles, stormed and seized the Vilnius Television Tower as well as the television and radio administrative buildings. A representative of the anonymous "National Salvation Committee" declared through mass communication media to inhabitants that the Lithuanian Supreme Council ended its activity and that this committee was seizing power and that a "curfew" was being introduced in the republic. Sometime later the international telephone and telegraph station was seized. In the months of March and April attempts again were made to seize various republican buildings of communications, banks. Technical school in Vilnius and Lithuanian paper warehouses were seized by special Soviet militia contingents. On April 19 the Lithuanian border posts near Medininkai were destroyed.

Anti-constitutional utilization of Soviet military units. The January 11-13 Soviet military unit violence resulted in 702 casualties. Seventeen persons died those of which 11 were shot, 3 were crushed by tank treads, and 2 killed from explosions. Soviet paratroops demonstrated extreme cruelty against the unarmed defenders of the Lithuanian radio and television buildings. Victims were crushed by tank treads that had been using spotlights to blind them. Special Soviet military units used dum-dum bullets (whose use is prohibited by international law), beat people with rifle butts and kicked those who had fallen. 52 persons were injured by bullets, 136 are recovering from stab wounds and lacerations, and 10 are suffering from burns. 416 persons suffered ear injuries as a result of close-range cannon shots. The windows of flats in the surrounding neighborhood were shattered by acoustic waves. In the month of April, 153 victims of these military

agressions are still being held and cared for in hospitals.

Anti-constitutional activities of the anonymous "National Salvation Committee", founded by the CPSU

To justify the military coup d'etat of the legitimate authority of the Republic of Lithuania, the Soviet occupational bodies and collaborators used the excuse for the alleged "division" of the CPSU property. The "division" was to be executed not in court but by Soviet military forces representing the interests of the Soviet empire. That was affirmed by independent U.S.S.R. military experts Shield ("Schit") including U.S.S.R. deputies of different levels (their conclusions are attached to this statement).

II. ECOLOGICAL DAMAGE

The environmental pollution of Lithuania and anthropogenic degradation has reached critical limits. The main Lithuanian rivers have been so severely polluted that they no longer can be safely used for drinking or recreation. The Lithuanian coast of the Baltic Sea is particularly the worst polluted area. The damage done to the Lithuanian economy by the Soviet imperial policy exceeds 350 million rubles every year. The damage is increasing from 3% to 5% annually. Far more important and greater damage occurring to Lithuania and neighboring countries are caused by the deformations of the genetic structure which are a result of backward technologies and their wrong use and the negative influence on people's health, fauna and flora is not taken into account.

The structure of Lithuanian economy enforced by the Soviet imperial system and deformed by one-sided specialization inevitably led to the ecological catastrophe of our country, which means gradual dying out of the small Lithuanian nation. The impoverishment of Lithuanian nature and ruined landscape is one of the greatest irreparable damages of compulsory incorporation of Lithuania into the U.S.S.R.

The South Lithuania's inhabitants have suffered losses inflicted upon them by the Chernobyl accident. Greater obstacles created by the blackmail of the conservative forces of the great Soviet empire threaten the very survival of the Baltic States. As Soviet troops pull out of Eastern Europe and are moved to the Republic of Lithuania and forced to dwell in bad conditions, aggressive military extremists threaten to blow up the Ignalina nuclear power plant and other key structures which would endanger the ecological system of the entire Baltic region.

III. ECONOMIC BLOCKADE

The Soviet economy blockade imposed on the Republic of Lithuania from April 18 to July 1, 1990, interfered with the normal functioning of the economy and the meeting of peoples needs. The total losses of the Republic of Lithuania including the preliminary loss of potential profit amount approximately to 1.5 million rubles.

As a result of the economic blockade, the supply of the main natural resources, specifically fuel, to Lithuania under contracts was cut short. The Soviet government blockaded rail shipment and set back the development of the Lithuania national economy at the time when she was making attempts to overcome irrational territorial distribution of the economy and colonial specialization. Fodder contracts which had been broken forced the killing of cattle.

Only within 3 months of 1990 Soviet Union forced Lithuanian industrial enterprises to lose 415.5 million rubles in unproduced goods. The production of consumer goods was cut in

half, while only 1/10 of fuels stocks were available and transportation was down by 1/3. The Soviet government used the savings of the Lithuanian people for its own interests (6.7 billion rubles) as well as credit stocks of the Lithuanian enterprises and organizations.

The Republic of Lithuania statistics department reports that the total amount of goods illegally seized by the Soviet military during the months of January and February, 1991, reach approximately to 74.9 million. General medical expenses have reached 6 million rubles, of them the treatment of traumas 1.1 mln. rubles. From the seized radio and television centers alone damage amounts to 45.7 million rubles, with technical equipment reaching 18.7 million rubles in damage and the seized film equipment worth over 21.7 million rubles.

IV. VIOLATIONS OF HUMAN RIGHTS

The U.S.S.R. is grossly violating fundamental human rights of the Lithuanian people as defined in the 1966 International Covenant on Civil and Political Rights. Civilians were killed during military attacks (violation of the Covenant, Article 6), civilians were shot dead, tortured, assaulted (violation of Article 7), and they were arbitrarily detained and arrested (violation of Article 9). At the same time the Soviet troops violated the 1984 Convention Against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment (violation of Articles 1 and 2). The freedom of expression of the Lithuanian people is being grossly violated, the main mass media buildings of Lithuania were seized (violation of International Covenant on Civil and Political Rights, Article 19). The Soviet Union by all these actions also violated its obligations under the Final Act of the Copenhagen Conference and the Paris Charter For New Europe in which the freedom of expression of opinion, as well as the ban of arbitrary detention and arrest, cruel, inhuman or degrading treatment.

The Soviet occupational army without any right has been recruiting conscripts by force, secretly taking them away from Lithuania and subjecting them to army service. In 1990, 24 young men were captured and taken away from Lithuania. 17 Lithuanian soldiers who have refused to serve have been framed and sentenced.

The communist organizers of the Soviet military coup d'etat in Lithuania backed by the military are still running the national TV and radio networks. The Press Center, seized by the military, housed 14 Lithuanian newspaper and magazine offices and the printing plant in which almost all national Lithuanian periodicals were printed. 1,500 journalists and printers lost their jobs. About 2,000 journalists and technicians were thrown out of the Lithuanian Radio and TV Centre. The main thing is that irreparable and inestimable damage has been inflicted upon Lithuanian culture, publication of books, magazines and newspapers, radio and TV programmes. The press laws of the Republic of Lithuania are being ignored. The freedom of expression and speech of journalists, writers and composers is being violated. The exclusive right of copyright is being violated: directors, writers, actors and other cultural workers are protesting the broadcasting (of videotape recordings, etc.) of their works on television and radio station controlled by the Soviet military personnel, yet these protests are being ignored.

V. INCITEMENT OF NATIONAL DISCORD AMONG ETHNIC GROUPS

The Soviet mass media ("Vremia" and "Pravda") reports of the events in January

that the Soviet army brutality against Lithuanian inhabitants was displayed as a fight between supporters of Lithuanian sovereignty and reactionary forces faithful to the imperial policy of the Soviet Union. In fact, % of Lithuania's Russians and Poles support a democratically independent Lithuania as was demonstrated in the February 1991 plebiscite results. The anticonstitutional hostility to Lithuanian independence propaganda on the Lithuanian TV and radio seized by the military and on the Soviet military radio station should be treated as the CPSU infringement on the right of the Lithuanian people to impartial information. Slander, lies and misinformation are being used in order to create an illusion of national discord among Lithuanians, Russians and Poles. Moreover, censorship has been imposed on the Soviet mass media. Miscues and consequences of the Soviet aggression against the Republic of Lithuania is being spread in the Soviet Union and all over the world. People are being intimidated and misinformed in Lithuania and outside her borders. High tension is being created especially in Lithuania which is being produced not only by the Soviet mass media. Day and night, tanks and armored cars patrol the streets of Vilnius and other cities to create a atmosphere of danger to human lives. There have been cases when Soviet tanks have crushed cars filled with people.

In the light of the conditions mentioned above and in behalf of 438,214 inhabitants of Lithuania we appeal to the United Nations Human Rights Committee requiring to:

1. Deliberate and condemn the on-going acts of aggression by the U.S.S.R. against the human rights of Baltic nations;
2. Propose to the United Nations Security Council to convene a special session for deliberation on the consequences of the U.S.S.R. aggression against Lithuania, Latvia and Soviet Georgia the dangers it poses for international security and peace;
3. Use all possible means to ensure that the aggressive acts committed by the President and Government of the USSR against democracy and the peaceful inhabitants of the Republic of Lithuania would be restrained, and the situation in the Baltic republics would be controlled according to procedures outlined by international organizations and agreements of the Conference on Security and Cooperation in Europe;
4. Invite specialists in the areas of international legal procedures, as well as international constitutional and political law for impartial evaluation of the consequences of the USSR's aggressive acts in Lithuania and human rights violations;
5. Mediate and assist in the restoration of the status of the Republic of Lithuania in international organizations with account of its priorities as former member of the League of Nations.

The copies of signatures will be to be attached later so as signing of the appeal to Committee is still continued after sending this Statement.

The Chairman, Lithuanian Association for the Protection of Human Rights (LAPHR), Antanas Buracas.

The Chairman, Council of Independence Party, Commission on Human Rights and National Minorities, Supreme Council of Republic of Lithuania, Virgilijus Cepaitis.

Honorary Chairman, LAPHR, Founding Member of Lithuanian Helsinki Group, Viktoras Petkus.

The Chairman, Lithuanian Sajudis Council, Juozas Tumelis.

CONCLUSIONS OF THE INDEPENDENT MILITARY EXPERTS OF THE PUBLIC ORGANISATION "SHIELD" ON THE EVENTS IN VILNIUS, JANUARY 11-13, 1991

At the invitation of the State Commission of the Republic of Lithuania created to investigate the event of January 11-13, 1991 (Chairman, Prime Minister G. Vagnorius), a commission of independent military experts, including a captain of first rank in the reserves of the U.S.S.R. Army, A. A. Yevstigneyev (Commission Chairman and People's Deputy of the RSFSR, Ph.D. in engineering); a lieutenant-colonel in the reserves of the U.S.S.R. Army, I. V. Bychkov; a colonel of the U.S.S.R. Army, S. M. Kudinov (People's Deputy of the RSFSR); a captain of the second rank in the reserves of the USSR Army, G. M. Melkov (doctor of law, professor of law); and a major in the reserves of the U.S.S.R. Army, N. M. Moskovchenko, conducted the following investigation from February 3 to 12, 1991:

(a) studied the documents made available to the commission, reviewed three video films of the events of January 11-13, studied the tapes of radio intercepts of conversations of the military, studied the documents and conclusions of legal-medical experts, as well as the notes and affidavits of medical and auxiliary personnel in hospitals and the morgue, and reviewed statements given to the press by various government, military, Party, and public officials, and other relevant documents;

(b) held detailed discussions with members of the Government of the Republic of Lithuania, with members of the Lithuanian Procuracy [prosecuting authorities], with heads of departments, and other officials;

(c) had meetings and detailed discussions with members of the Communist Party of Lithuania (Secretary of the CPL Central Committee Jarmalavicius—the main contact for the CPL and the National Salvation Committee; Secretary of the CPL Central Committee General Naudziunas and a member of the National Salvation Committee according TASS reports in "Izvestia"; Secretary of the CPL City Committee Khadunkin; member of the CPL Central Committee Shurupov; and others); with the [Soviet] Procurator General of the "Lithuanian SSR" Petrauskas; with the representative of the USSR KGB, Rukšenis; and with managers of the Vilnius radio factory;

(d) had discussions with the vice chairmen of the Democratic Labor Party, V. Gerzonas and V. Beriozovas;

(e) had meetings and discussions with soldiers and officers of the Vilnius garrison and their family members, and with Vilnius residents of various ages and ethnic backgrounds; and

(f) [had a telephone discussion with] the military commander of the Vilnius garrison, Major-General Uschopchik, who refused to have an official meeting, saying that he did not recognize the Government of the Republic of Lithuania, and stated "your official mission means nothing to me."

The Military Commander of the Vilnius garrison, Colonel Byelous, refused to meet, maintaining that all available documents had already been handed over to the investigator.

The head of the garrison's political department, Colonel Smokarev, refused to have a meeting. Repeated attempts to establish contact with him and others were fruitless.

A discussion with the head of the political department of the Military Commissariat for the Republic of Lithuania, Lieutenant-Colonel Golubev, was held, in which he asserted

that he did not recognize the Government and the laws of the Republic of Lithuania.

President Landsbergis and Prime Minister Vagnorius received the commission members.

THE SITUATION IN VILNIUS UP TO JANUARY 11 AND THE REASONS WHICH CAUSED ITS WORSENING

The Supreme Council led by Vytautas Landsbergis came to power as a result of free and democratic elections and on March 11, 1991, passed the Act of the restoration of the independent Lithuanian State and moved in the direction of practical realization of its total sovereignty.

The CP of Lithuania was split. The greater majority of the communists (about 90%) formed the Democratic Labour Party (chairman A. Brazauskas), and the rest—the CPL on the platform of the CPSU (chairman M. Burokevicius). The property of the Lithuanian communists hasn't been divided between the parties in question, although it's evident that the CPL has rights to only one tenth of the property. In the result of the first legislative acts the CPL practically lost not only economic, but, what is important, political power. Lithuania was the first republic, in which the CPL (CPSU) lost faith not only of the people but of the greater majority of the communists themselves and became no more than one of the social organisations of the Republic. At the same time Lithuania was the first of the Republics of the USSR which declared that an independent way of development had been chosen in full accordance with the international Pacts on Human Rights of 1966, Final Act of 1975 and Paris Charter of 1990.

It should be said, however, that by striving to strengthen the independent statehood under the conditions of factual economic blockade by the Centre as quickly as possible, the Supreme Council of the Republic of Lithuania passed a number of laws (i.e. on language, citizenship, which to a certain extent violate the rights and interests of non-Lithuanians and military servicemen and their families; picketing of cantonements and worsening of life conditions of the military servicemen have been observed).

The discontent of the population has been increased by the January 7, 1991 Decree of the Government on many-fold price increases. On January 8 a rally was held outside the Parliament building, attended by workers of all nationalities (Lithuanians, Russians, Byelorussians, Poles etc.) which raised political and economic issues. Under the pressure of the people the Parliament suspended the Government Decree on the price increases while the K. Prunskienė-led Government resigned.

Making expert use of the natural discontent of the population with the ever deteriorating standard of living (in fact, these standards are deteriorating all over the USSR) and under conditions of full absence of any inter-national conflict, the CPL, aimed at the reestablishment of its power, allegedly on behalf of the workers and peasants, and assisted by the Armed Forces, forces of the Ministry of Internal Affairs and KGB of the USSR.

CHRONOLOGY OF ORGANISATIONAL AND POLITICAL ACTIVITIES OF THE CENTRE, THE CPL AND THE MILITARY SERVICEMEN PRECEDING THE EVENTS OF JANUARY 11-13, 1991

August 29, 1990 Decree of the Secretariat of the Central Committee of the CPSU Article 4/5, secretly signed by the Deputy General Secretary of Central Committee of CPSU Ivashko "On the results of meetings

and talks with party activists, communists and workers of the Lithuanian SSR":

"Paragraph 7. The State—Legal Department of the CC CPSU with the help of the country should organize measures in bringing to trial leaders of various nationalist and anti-Soviet social organisations, extremist and deserters violating Soviet law, for criminal and administrative activities.

The activities of the USSR Ministry of Internal Affairs of the USSR, the KGB of the USSR, and the Supreme Court of the USSR should be coordinated for these purposes and an operational-investigator group should be sent to Lithuania. Together with the KGB of the USSR to analyse the request of the CC of the CPL (Burokevicius) to include the communists of military units located in Lithuania into the lists of the republican communist organisation. . . .

Paragraph 10. Social-economic and agricultural departments of the CC CPSU should organize a series of measures in support of Lithuanian peasants, protesting against the agrarian policy of the Supreme Council of the Lithuanian SSR (Independent Gazette, January 29, 1991).

November, 1990. Plenary meeting of the Central Committee and the Central Committee of the Russian Federation. Said Polozkov: "... the idea of forming the NSC and the defence of socialism is ripe in many places. . . . It would be fine if party committees together with deputy-communists were the initiators of the given cause."

December 1, 1991.—Decree of the President of the USSR on using military units in the republics to ensure the adequate joining of the Armed Forces of the USSR.

Decrees of the President of the USSR on relieving Bakatin of his post of Minister of Internal Affairs and appointing Pugo to the post in question, and General Gromov, the former commander of the 40th Army in Afghanistan, to the post of Deputy Minister of Internal Affairs of the USSR.

All-union organisation of the deputies of all levels of "Soyuz" held the constituent assembly. It required to impose direct presidential rule in "all rebellious republics" without any further delays;

December, 1990. The supporters of KPL united their forces into Congress of Democratic forces.

December, 20, 1990. E. Shevarnadze declared his resignation from his post because he did not want to participate in the process of building up dictatorship in the country.

A joint decree N. 492/791 by Defence Minister Yazov and Chairman of State Radio and TV Committee (Gostelradio) Kravchenko "On creating of a new Creative-Industrial TV and Radio Society "Radar" (announced in mass media on February 7, 1991) was signed.

December 30, 1990. Commander of the paratrooper Armies Colonel-General Atchakov, who supervised the redlocation of paratrooper units in Moscow in September of 1990, was appointed the Deputy Minister of Defence and Major-General Grachev was appointed the commander of the paratrooper armies.

January 8, 1991. Defence Minister Yazov issues a decree to introduce paratrooper units into 7 Union Republics, first and foremost into the Baltic States, allegedly to catch all persons avoiding military service in the Armed Forces of the USSR.

Paratrooper units from the Pskov division started arriving in Lithuania. These units, however, have not been used to ensure the joining of the Soviet Army, and the Commissariates of Lithuania didn't get any orders to that effect, because the para-

trooper units had to fulfill quite different tasks.

Independent military experts came to the conclusion that the decision to use military force in Vilnius aimed at carrying out a coup was made not later than on January 7.

The commander of the paratrooper armies Major-General Grachev, who was in the Baltic states at that time, made a statement that the military forces under his supervision should not take part in the political processes of the Baltic states. Following this statement he was recalled to Moscow at once.

On January 9, 1991, in Moscow, Nishanov and Oleinik, authorized by the President of the USSR, met "a group of representatives of social-political organisations of the Lithuanian SSR" who informed the leadership of the country about anti-constitutional, anti-Soviet actions of the Lithuanian authorities".

January 10, 1991. The President of the USSR accused the Supreme Council of the Republic of Lithuania of striving to restore the bourgeois regime and suggested that all earlier adopted anti-constitutional acts should be recalled and drew attention to the fact that the people require the imposition of presidential rule in Lithuania.

Satellite-communication with the Moscow post is formed in the North cantonement in Vilnius.

January 11, 1991. Member of the Central Committee of CPL Jarmalavicius announces that the Congress of Democratic Forces formed the National Salvation Committee, which empowers itself with responsibility for the fate of the Republic.

The same day paratrooper units occupied the Press Center, DOSAAF (Volunteer Society to Support the Army and Navy), Country Defense Department and Archives and thus the use of the military force and firearms started.

The first victim was the student of the Vilnius Technical School V. Lukshys, who was wounded in the head. The given operation was supervised by Colonel Kustriuk.

January 12, 1991. Deputy Minister of Defence General Achalov arrived in Vilnius to supervise the actions of the army.

The Provisional Defence Committee (PDC) was formed by the Supreme Council of the Republic of Lithuania in response to the use of military force. This committee supervises the military, political and informational defence aimed at stopping the assaults and the war waged by the USSR against Lithuania.

January 11-12. On behalf of the Supreme Council and its President citizens were urged to defend Government buildings. The population responded to the urge and thousands of people went into the streets and surrounded the Government buildings. The biggest crowds assembled by the TV tower and the Parliament of the Republic.

At 10 p.m. CPL reserve member Colonel Shurupov, at the city Party committee, instructed about 400 representatives of fighters from "Worker" squads, who were brought by buses given at the request of the managing department of the CPL.

At about 12 p.m. representatives of the NSC brought a petition to the Supreme Council of the Republic of Lithuania, in which it demanded the resignation of the Supreme Council and the imposition of presidential rule. At the same time the NSC decided to take the Radio and TV Centre and the TV tower under their control. To support and defend the fighters of worker squads from the armed fighters of the State Defence

Department (there were about 1500 of them in the Tower and they were armed with cold weapons and firearms as well as incendiary mixture bottles). The committee appealed for help to the Head of the Vilnius garrison. This help was granted. (Information agency of the Central Committee of CPL, January 14, 1991, Soviet Lithuania (Litva Sovetskaja), January 19, 1991).

We, the independent military experts, take all the responsibility for stating, that the above mentioned insinuations of the NSC—CPL are abominable lies. For paratrooper armies, internal forces of the Ministry of Internal Affairs of the USSR and the KGB of the USSR to start action by making use of the 1st group tanks resolution of the President of the USSR is obligatory.

January 13, 1991, 2 a.m. Buildings of the Committee and the TV tower were occupied. Recordings, made in advance by Jarmalavicius, were being broadcast from the tanks standing by the TV tower and the armored personnel carriers patrolling in the city, informing that the NSC was taking power into its hands.

It has also been announced that on behalf of the NSC a curfew was imposed from 6:30 on January 13 and that the Head of Vilnius Garrison Major-General Uschopchik had been appointed the military commandant of Vilnius.

On the same day when the military operation was over deputy Minister of Defense Colonel-General Varennikov arrived in Vilnius.

On the basis of the event chronology investigation, documents at our disposal, publications and materials, including the secret Decree of the Secretariat of the Central Committee of the CPSU, Article 4/5, dated August 29, 1990 and signed by the Deputy General Secretary of the CC of the CPSU Ivashko "On the results of meetings and discussions with Party activists, communists and workers of the Lithuanian SSR, we, military experts have to come to the following conclusions:

1. The National Salvation Committee (NSC) is a non-registered and actually existing social organisation which had been formed long before the events of January 11-13, 1991. The leaders of the NSC are people forming the nucleus of the CC of CPL and Commanders of Vilnius Garrison. It was namely this fact that allowed the regiment commander Lieutenant-Colonel Astachov to declare: "I knew many of them personally, had "meetings with them. Top guys." (Moscow News, January 27, 1990 N. 4).

Thus, the leaders of the NSC and the leading nucleus of the CC of the CPL are one and the same people although now they do their best to deny it. The same conclusion can be arrived at by analysing "The Appeal of the NSC of the USSR dated January 15, 1991 and juxtaposing it with the "Chronicle of political crisis in Lithuania" prepared by the Information Agency of the CC of the CPL dated January 14, 1991 (Litva Sovetskaja, January 19, 1991).

2. The NSC having arbitrarily usurped the functions of the Supreme power body in the Republic of Lithuania, on January 13, assisted by the military forces of the USSR to carry out a coup d'etat aimed at overthrowing the legally elected government.

This attempt, which resulted in many deaths of people and material and moral harm, failed. The most important reasons which prevented the successful carrying out of the coup are the following:

Self-sacrifice of the Lithuanian people, irrespective of their nationality, who rose to

defend their legally elected government and sacrifice, if necessary, their lives defending freedom and the independence of the Republic of Lithuania;

Urgent visit of the Chairman of the Supreme Council of the Russian Federation B. Yeltsin of the Baltic States and his joint activities with the leaders of the Baltic States aimed at stabilizing the political situation in the area. Having signed the treaty with the Government of Lithuania, the Government of Russia was empowered to defend the legal rights and interests of the Russian people in Lithuania;

The negative response of the people of the world and governments of foreign countries.

3. The NSC which attempted to carry out a military coup at the expense of a great number of human lives, committed a grave state crime and therefore should be considered to be a criminal organization.

The leaders and members of the NSC should be brought to trial for committing a grave state crime.

The analysis of documents, situation information level and actions enable to assume, that the leading nucleus of the NSC were the following persons: the 1st secretary of the CC of the CPL Burokevicius, secretary of the CC of the CPL Jarmalavicius, secretary of the CC of the CPL Major-General Naudziunas, Head of the Department of the CPL Reserve-Colonel Shurupov, 1st secretary of the CC of the Vilnius CP Committee of the CPL Lazutka, 2nd secretary of the Vilnius CP Committee of the CPL Chadunkin, secretary of the Party Committee of Radio Measurement Device Plant Dostal, and Head of Vilnius Garrison Major-General Uschopchik.

The fact that the leading nucleus of the CC of the CPL are the leaders of the NSC allows to state that on the basis of the Law of the Republic of Lithuania on political parties, the activists of the CPL should be suspended till the end of the investigation.

4. What is most appalling is the ignorance, distortion of facts and the downright lies of the NSC members—CC of the CPL manifest in the NSC appeals and the information presented by the Information Agency of the CC of the CPL.

A quotation from the NSC appeal: "The Soviet Army officer who accompanied the parliamentarians of the worker squads sent to the TV tower building . . . was shot in his back by a fighter who used an automatic gun."

A quotation from a statement made by the Information Agency of the CC of the CPL: "at the moment when the administration of the TV centre was handed the ultimatum, the officer of the parliamentarian guards was shot in the back."

And the most appalling thing is that all of this "wild" evidence was concocted by one and the same author and included into the same issue of the newspaper "Litva Sovietskaja" dated January 19, 1991.

In fact, Lieutenant Shatshich, the officer of the special units of the 7th Department of the KGB of the USSR, was sent to assist the carrying out of the coup and was quite by chance wounded by his own people during the assault on the Radio and TV Committee.

Abusive attacks and threats to the legal authorities and leaders of the Republic of Lithuania (V.Landsbergis—murderer N. 1, fascist regime etc.) published in the CPL newspaper "Litva Sovietskaja" are aimed at escalating the political instability and impossibility of a dialogue and it points not only to the lack of respect of its readers—ordinary communists and military servicemen—but at the same time it shows that the

ideas defended by the CPL are doomed to failure.

The degree of worker respect for the authorities of today's Republic of Lithuania was manifested during the opinion poll (plebiscite) on February 9, 1991.

ARMY ACTIVITIES IN PREPARING THE ASSAULT AND TAKING OVER OF THE RADIO AND TV COMMITTEE AND THE TV TOWER

Radio interception data allows us to state that Vilnius Garrison tank units were ready for action and fulfilling the tasks set by the Centre, and were waiting for a special signal. It proves that the actions of the army were planned and coordinated in advance.

It goes without saying that the Head of the special department of the division, Rizov, was aware of the plans to use motorized division N. 107 (it is his direct duty to know it because he has immediate contacts with the territorial organs of the KGB of the USSR, headed in the meantime by Major-General Chaplin. Thus the information quite naturally had to be submitted to the Chairman of the KGB of the USSR, Kriuchkov and from him to the president. There are no doubts that the Head of the political department of the division, Colonel Smokarev, who organized the expedient training of the soldiers for carrying out the operation, informed the member of the Military Council, Head of the military-political Department of the Baltic military region Lieutenant-General Novikov, who in his turn had to inform the Head of the General Military political Department of the North Army and Navy Colonel-General Shliage. The information had to be furthered by the Defence Minister and General Secretary of the Central Committee of the CPSU. Feedback is quite natural here too.

Units of paratrooper division N. 76, dislocated in Pskov, supported by tank units of motorized division N. 107, dislocated in Vilnius, assisted by the special unit of Department N. 7 of the KGB of the USSR, occupied the buildings of the TV and Radio Committee and the TV tower in accordance with the plan worked out in advance. The total operation was supervised by the Deputy Defence Minister of the USSR Colonel-General Atchalov, while the actions of the tank units were supervised by Major-General Uschopchik. (The general map-plan of the army actions at the TV tower and deciphered radio-interception of the motorized unit department is supplemented).

No resistance by shooting from the civil population and the technicians who were in the tower was observed. Fire was opened only by the attacking army.

As a result, 13 people were killed; 12 of them are civilians and one, a lieutenant of the KGB of the USSR. Investigating authorities informed that the army didn't arrest a single fighter possessing a firearm. No weapons stored there were found.

Statement made by the CC of the CPL information agency dated January 14, 1991 (newspaper "Litva Sovietskaja", January 19, 1991) to the effect that "already on the way to the TV tower the worker squads and the military servicemen were attacked by the people shooting from various sorts of firearms including automatic guns and grenades", is nothing more than invention and brutal disinformation that should be brought to trial in accordance with Article 36 of the Law on Press.

To raise panic and to disperse the crowd tanks were firing dummy cartridges, causing acoustic traumas to people. As is seen from the deciphered radio interceptions, tanks went on shooting even after repeated orders from the commander to stop fire.

Wounds caused by the firearms turned out to be made by 5.45 calibre bullets. Forensic medical examination shows that the 5.45 calibre bullets have structural peculiarities—their shells can split up into small fractions while their cores are separated from the shells. The fragment of the bullet was extracted from V. Vaitkus body—from the right pleural cavity; fragments of the bullet shell were extracted from P. Juknevičius's thigh; fragments of the bullet were extracted from the body of Lieutenant Shatskich; blind bullet wound was found in V. Maciulevičius' body. Entrance aperture is on the skin of his left cheek, the wound canal proceeds along the lower jaw mouth diaphragm, left inner upper arteria carotica, left part of the left lung, the 6th-7th neck vertebra, and the back brain canal. The wounds contained fragments of the bullet.

When the occupation raid was over paratrooper units were substituted by units of interior forces of the Ministry of Internal Affairs of the USSR and the Vilnius garrison, which are still guarding the occupied buildings up to now. Much harm was done to buildings, equipment, inventory and the adjoining territories. Material property and personal belongings of the staff were stolen.

After the operation the President of the USSR issued a decree dated February 4, 1991 "on conferring the Ministry of Internal Affairs of the USSR Pugo the military rank of Colonel-General. Chief-commander of land forces Varennikov issued one more decree in which he extended his gratitude to the fighters of motorized division N. 107 for "brave and resolute actions. Their behavior should set an example to all soldiers of the land forces."

FRAGMENTS OF RADIO INTERCEPTION ON JANUARY 12-12 (WORD FOR WORD TEXT)

January 12, 3.50 a.m.

"Zenit 22", it's "Zarevo 11". Over.

"Zenit 22" wants to talk to the very senior. Understood.

"Zarevo 11" I'm "Zenit 22" still waiting at the apparatus. Over.

January 13, 1.55 a.m.

"Uspech 19", I'm "Zenit 22", contact the neighbour, contact the neighbour.

Understood. Understood. Shall we make noise?

Yes, yes. We were allowed, it's me "Zenit 22".

"Zenit 22", it's me "Plainer 17, "Bronia 2" is at the location, started the actions. . .

"Uspech 19", it's "Zenit 22", stop shooting. It's me, "Zenit 22", who fired now? Stop shooting.

"Uspech 19", it's "Zenit 22". Stop shooting from the big boxes.

It's me, "Zenit 22". I insist on stopping fire from the tanks.

It's me, "Zenit 22". That's all. Go ahead! No shots from tanks.

Stand still. Then, when you speak on the radio—slow down, say it once again slowly.

"Zenit 22", it's "Barkasa 28". I'm in the park, I'm in the park. Wait for your orders.

"Fara 16". People aren't leaving the location, they surrounded the BTRs (armored personnel carriers).

"Zenit 22". Understood, stand still, close the hatches, go on observing and so on. Be ready to receive orders, stand still.

"Uspech 19", report the situation, in short, it's me, "Zenit 22". Over.

Haven't you got anybody under the treads? Over.

The answer is inaudible.

Understand. Start the vehicle and at slow speed move to the cantonment. Clear?

"Uspech" it's me "Zenit". Switch on the headlights, just to see far away and slowly, slowly so as not to crush anybody, ahead!

"Zenit 22" answers to "Uspech 19".

O.K., O.K. So you go to the parking-lot, stand in the same fighting trim, shut off the vehicles, let them doze, only the motors must be shut off, be ready, you may get one more order. . .

The full text of radio interception is in the General prosecutor's of the Republic of Lithuania.

VICTIMS OF THE ATTEMPTED COUP

According to official data submitted by the Health ministry of the Republic of Lithuania dated January 13, 1991, 13 people were killed: 9 people (8 civilians and 1 KGB lieutenant dressed in paratrooper uniform)—from 5.45 bullet injuries.

1 person—run over by tank treads (Loreta Asanavičiute, born 1967)

2 persons—run over by the armored personnel carriers wheels.

1 person—injured by an explosive.

In all cases statements of forensic medicine examinations were drawn up in full accordance with the existing jurisdiction.

Ill-intentioned statements to the effect that all bullet wounds were made specifically on already dead bodies are denied by statements of forensic medical service who made the post-mortem examination (witnessed by the prosecutors). The wound was not mortal. Had Shatskich been taken to the hospital in good time, his life could have been rescued.

There were no bullet wounds from the snipers, because 5.45 calibre bullets are not used in sniper-guns due to unstable ballistics of the bullets.

All in all 604 people have been wounded—438 men and 166 women. Among them: 49 people—bullet wounds, 342 people—acoustic traumas (eardrum injuries due to dummy cartridge shots from the tanks); 10 people—burns; 20 people—combined traumas; sundry wounds—99 people, etc. On January 30, 30 people were still in hospitals.

LEGAL ESTIMATION OF THE JANUARY 11-13 EVENTS

1. Anticonstitutional, criminal activities of the NSC (National Salvation Committee), in fact, of the Central Committee of CPL directly violate articles 137 and 148 of the Constitution of the USSR. Formation of the NSC violate the Constitution of the USSR, Article 7, Part 2. According to the article in question, the NSC must be disbanded without further delay by the authorities of the Republic of Lithuania or those of the USSR and its members should be brought to trial for their criminal activities.

2. Activities of Defence Minister Jazov, Interior Minister Pugo and Chairman of the KGB Kriutschov, who facilitated the use of the Soviet Army, military units of the Ministry of Internal Affairs of the USSR and the KGB against unarmed citizens of the Republic of Lithuania at request of the unconstitutional criminal social organization are criminal. They were able to stop the activities of the NSC at any moment because satellite communication was set for direct reports to the Government of the USSR.

3. Activities of Achalov, Uschopchik, Kustriuk and Astachov who supervised their respective armed units in effecting the criminal schemes of the NSC-Central Committee of CPL are criminal.

Soldiers, sergeants and officers who fired at peaceful people should be brought to trial as well.

Besides, Major-general Uschopchik, who was appointed the military commandant of the

Vilnius garrison by the NSC must be brought to trial for the illegal imposition of curfew and the use of firearms by patrols which caused the death of J. Tautkus on January 29.

4. The President of the USSR ignored the resolution of the Federation Council unanimously adopted on the very eve of the tragedy, which prohibited the use of armed force in setting the political conflicts. Thus the principles so persistently advocated by the President—respect for law and constitutional governments—have been violated.

The President of the USSR in spite of the requirements of the Constitution of the USSR, (Article 127, Part 4.) didn't prevent the anti-constitutional activities of the Defense Minister of the USSR, the Interior Minister of the USSR and the Chairman of the KGB of the USSR, who gave permission to their subordinates to carry out the coup in the Republic of Lithuania.

The President of the USSR, having heard the reports of Pugo and Jazov in the session of the Supreme Council of the USSR, had to disavow such statements constitutionally and legally, and without further delay to discharge them from the posts they hold. The President did not do that. More than that, he issued a decree to confer to Pugo the military rank of Colonel-General.

The President of the USSR didn't stop anticonstitutional activities of the NSC at the moment of its formation and its first steps in preparing a coup in the Republic of Lithuania.

The President of the USSR didn't prove to be a "Guarantor of adhering to the rights of freedoms of Soviet citizens, the Constitution and the Law of the USSR".

Following the presumption that the Republic of Lithuania constitutes a part of the USSR, the President of the USSR didn't fulfill his direct constitutional duty during the attempted coup in Vilnius.

Following the assumption that the Republic of Lithuania does not constitute a part of the USSR, the use of the Armed Forces of the USSR in the Republic of Lithuania on January 11-13 should be considered an act of aggression against the state in question in accordance with the definition of aggression adopted by the General Assembly of the UN in 1974.

Independent military experts estimate the activities of the NSC in line with the Constitution of the USSR, because the NSC and the CPL recognize only the Constitution of the USSR and do not recognize the Laws of the Republic of Lithuania.

CONCLUSIONS AND RECOMMENDATIONS

On the basis of the investigation, the Independent Military Experts arrived at the following conclusions:

1. On January 11-13, in Vilnius, an attempt was made to stage a coup d'etat with the aid of the armed forces, the internal troops of the USSR Ministry of Internal Affairs and of the KGB with the aim of restoring the political power of the CPSU as represented by its constituent part—the CPL.

The USSR President cannot claim ignorance of the planned joint actions by the Soviet Armed Forces, the internal troops of the USSR Ministry of Internal Affairs and of the USSR KGB. Such actions could not be carried out without his personal permission.

2. The participation of USSR military units in the coup d'etat had been planned, coordinated and approved by the Centre.

3. The organizer of the coup d'etat was the CPL Central Committee.

4. For carrying out its designs, the CPL Central Committee established the so-called

"National Salvation Committee" whose membership and leaders are being kept secret so that in the event of failure they could evade responsibility. Secretary of the CPL Central Committee Jarmalavicius, authorised to maintain contact between the National Salvation Committee and the Vilnius garrison, is the only officially known person linked to the National Salvation Committee.

The Independent Military Experts consider that the following persons constituted the nucleus of the National Salvation Committee: first secretary of the CPL CC Burokevicius, Secretary of the CPL CC Jarmalavicius, Secretary of the CPL Major-General Naudziunas, head of the department of the CPL CC and colonel in the reserves of the USSR Army Shurupov, First Secretary of the Vilnius City Committee of the CPL Lazutka, Second Secretary of the Vilnius City Committee of the CPL Khadunkin, Secretary of the CPL primary organisation of the Vilnius radio factory Dostal, and military commander of the Vilnius garrison Major-General Uschopchik.

5. The National Salvation Committee and the CPL had counted on the support of the people dissatisfied with deteriorating living conditions, as well as the Russian-speaking population and the military, whose rights had been curtailed by certain laws of the Republic of Lithuania. With this aim in view, members of the CPL had carried out deliberate agitation and ideological propaganda. Political bodies and CPSU organisations had carried out analogous propaganda in military units and among family members of the military.

In this way an atmosphere of ill-will and animosity was artificially created between the native population and the army. At the present time the Government of the Republic of Lithuania is using all its energies to improve relations with the army units stationed on the territory of the Republic, and to normalise the situation. However, military commanders categorically refuse to establish contact.

6. Convinced of its victory and impunity, the National Salvation Committee, relying upon military units of the Vilnius garrison, units of the USSR Ministry of Internal Affairs and the KGB sent to Lithuania by the Centre, attempted to stage a coup d'etat, which caused great casualties among civilians and significant material damage.

7. There is no evidence to indicate the usage of arms on the part of civilians and guards of public buildings. Shots were fired only by the military. As a result, 13 people were killed and 604 injured. All the victims were civilians. Among 13 killed was a lieutenant of the USSR KGB who was accidentally wounded by his own men and died because the military did not render him timely qualified medical aid.

8. The military used 5.45 calibre dum-dum bullets that greatly increase the sufferings of the wounded and are banned under international conventions.

9. The coup d'etat was aborted by the people of Lithuania who rose in defense of their lawfully elected government. The results of the population poll held on February 9, 1991 emphatically and convincingly testified to the choice of the people of the Republic of Lithuania.

10. Responsible for the attempt to stage the coup d'etat, and for the numerous victims and material damage are:

(1) The USSR President, who failed to perform his constitutional duty;

(2) Minister of Defense Yazov, Minister of Internal Affairs Pugo, and Chairman of the

USSR KGB Kryuchkov who gave permission to use the military forces under their command in pursuing anticonstitutional, criminal goals;

(3) Deputy Minister of Defense Colonel-General Atchalov, military commander of the Vilnius garrison Major-General Uskhopchik, regiment commander of the Paratrooper Forces Colonel Kustriuk, regiment commander of the 107th Motorized Rifle Division Colonel Astakhov, who directed the actions of the troops under their command in carrying out the criminal designs of the National Salvation Committee and CPL Central Committee;

(4) Soldiers, sergeants and officers who shot at civilians.

11. The USSR President, the USSR Ministry of Defense, the USSR Ministry of Internal Affairs, the USSR KGB and the CPL are responsible for the material damage caused to the Republic of Lithuania, its state institutions, as well as to legal and natural people of the Republic.

12. The National Salvation Committee is an unconstitutional, criminal organization, the activities of which must be banned, and proceedings must be instituted against its members for having committed an especially grave crime against the state.

13. Taking into account direct contact between the members of the National Salvation Committee and the CPL in carrying out the coup d'etat, the activity of the CPL must be suspended until the end of the investigation.

14. Central newspapers, radio and Central Television gave a biased interpretation of the January 11-13 events in Vilnius, adhering to the stand of the CPSU and CPL.

15. It would be expedient to repeal the laws restricting the rights of the Russian-speaking population, of the military and of their family members.

16. Taking into account the current political situation, when the laws of the USSR are not being enforced on the territory of the Republic of Lithuania, whereas the laws adopted by the legislative body of the Republic run counter to the laws of the USSR, it is necessary to work out a special provisional legal document protecting the rights, honour, dignity and property of the military and their family members until an appropriate agreement between the USSR and the Republic of Lithuania is concluded.

17. For the coordination of efforts between republics aimed at protecting their sovereignty, political and economic independence from the dictate of the Centre, and for the coordination of joint actions in situations analogous to the January 11-13 events in Lithuania, horizontal agreements between the republics enabling them to resist this dictate should be concluded.

18. In order to maintain state sovereignty and to enforce law and order, it is necessary to form national guard units in the republics.

19. The Supreme Councils of the republics must adopt legislation defining the notion of a "criminal order" and establishing that legal proceedings may be instituted for executing such an order.

20. The events in Vilnius rank with other cases when the Soviet Army was used against its own people: in Novocherkassk in 1962, in Tbilisi in 1969, in Baku in 1990.

21. The events of January 11-13 are not related to any international conflicts and are of a purely political character. The events showed that:

The Party leadership is striving to turn the Soviet Army into a hostage of its criminal

political designs and its soldiers into mindless and submissive executors;

Depolitisation of the Armed Forces, the Ministry of Internal Affairs, and the KGB of the USSR is an objective necessity, and must be carried out without delay;

All nationalities are equally endangered by the plot hatched by the party and military leadership who are striving to retain power by all possible means, impudently violating laws and condemning people to poverty, hunger and death.

The Independent Military Experts deem it their duty to bring these conclusions to the notice of the People's Deputies of the USSR and of the RSFSR, other republics and the world community, governments of foreign states and the United Nations Organisation.

INDEPENDENT MILITARY EXPERTS

Captain of 1st rank in the reserves of the Army of the USSR, Ph.D. (Engineering), People's Deputy, A. Yevstigneyev.

Lieutenant-colonel in the reserves of the USSR Army, I. Bychkov.

Colonel, People's Deputy, S. Kudinov.

Captain of the 2nd rank in the reserves, doctor of law, professor of Law, G. Melkov.

Major in the reserves of the USSR Army, N. Moskovchenko.

VILNIUS, REPUBLIC OF LITHUANIA, February 11, 1991.

CHRONICLE OF OFFENCES COMMITTEE BY U.S.S.R. ARMED FORCES ON THE TERRITORY OF THE REPUBLIC OF LITHUANIA, 7 JANUARY-25 APRIL 1991

(Office of the President, Supreme Council of the Republic of Lithuania, May 1991)

The following document is a chronicle of recorded instances of Soviet military actions in the Republic of Lithuania, 7 January through 25 April 1991, which resulted in material damages, injuries, and loss of human life. The chronicle is based on reports submitted to the Supreme Council of the Republic of Lithuania by the Procurator General of Lithuania under the leadership of Procurator General Arturas Paulauskas, official news releases of the Supreme Council Bureau of Information, reports from the Ministry of Health of the Republic of Lithuania, and information provided by the Lithuanian Television and Radio Committee.

This chronicle is an informal report on Soviet military action, and is published at this time to provide practical information in English on these actions until detailed conclusions are released by investigators of the Procurator General. Certain reports which have not produced more substantial evidence have been excluded from this chronicle. Updates will be published as new information is made available.

1991

7 January

Bureau of Information release: At 14:30 today, President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, acquired information by telephone from the Commander of the USSR Military Forces deployed in the Baltic States, General Fyodor Kuzmin, that, in accordance with orders issued by USSR Defense Minister Dmitri Yazov, conscription of youths by force into the Soviet Army is beginning in Lithuania. A special division of paratroopers will be used to execute this order.

8 January

At approximately 17:30, a green ambulance with 6 men in civilian clothes (one of whom spoke Lithuanian) arrived at Simonys vil-

lage (Kupiskis district), and abducted Linas Cerniauskas (born 1970), who had left service in the Soviet Army. Mr. Cerniauskas had voluntarily entered the Soviet Army in July, 1990, but, after his mother had taken ill, returned home. Mr. Cerniauskas later returned to service once more, but later ended his term in the army voluntarily. A criminal case regarding the abduction of Mr. Cerniauskas has been opened by the Kupiskis municipal procuracy. (Article 131, Lithuanian Criminal Code).

11 January

Soviet military attacks and occupies the Lithuanian Press House, a facility which publishes and prints the greater majority of newspapers currently in circulation. Large crowds gathered in defense of the building witness the assault. Several civilians are beaten, and one man is shot in the face. (see Procuracy reports below)

Bureau of Information release No. 016: At 11:50, Director of the National Defence Department, Mr. Audrius Butkevicius, informed the Bureau of Information that the National Defence Department building in Virsuliskes (suburb of Vilnius) was taken over by armed forces of the Soviet military. Shots were fired at employees. No one was injured as the employees were fired upon and ejected from the building. According to reports by the Procuracy General, representatives from the investigations department of the Ministry of Internal Affairs of the Republic of Lithuania were not allowed to examine the building. All materials and information regarding this matter are conveyed to the office of the Procurator General.

The National Defence Department is located at Kostiuskos Street 36.

Procuracy General official information: On 11 January, at approximately 12:15 p.m., on Kosmonautu Prospect in Vilnius, during the seizure of the Press House, V. Luksys and Kvickauskas received gunshot wounds to the face. A. Vaitukas received a gunshot wound in the leg, and assaulted was J. Kaziniauskas, who in hospital was diagnosed as having suffered a brain concussion.

On January 11, at approximately 12:55 p.m., in the intersection of Zalgirio and Rinklines streets in Vilnius, Soviet army tank No. 511 entered the oncoming traffic lane and collided with a ZIL-130 truck, driven by J. Zaunys. Zaunys suffered broken bones and was put in hospital.

12 January

Bureau of Information release No. 027: At approximately 01:00 this morning, paratroopers broke the windows of the main National Defence Department building in Vilnius, stormed in, and soon left with the Department's paperwork. The two employees who were inside were beaten with riot sticks, though they are not hurt badly. The offices inside are almost completely demolished, there is evidence of explosions.

Bureau of Information release No. 028: A military driving school on the outskirts of Vilnius was stormed by paratroopers and demolished inside at approximately 02:00 this morning. There is no apparent reason for this action.

Bureau of Information release No. 030: At approximately 03:00 a special unit of the Lithuanian police on the outskirts of Vilnius (in Valakampiai) was taken over by special Soviet paratroopers. About twenty armored vehicles surrounded the building, special unit soldiers stormed into the yard and sliced telephone wires, cutting off all communications. Four officers out of about forty were able to escape through a window.

Vilnius municipal IAD receives written complaint from a Mr. Kviceauskas, stating that, during the military attack on the Press House, he was wounded in the face by a plastic bullet.

Vilnius municipal IAD receives written complaint from a Mr. A. Vaiciukas, stating that during the military attack on the Press House, he was wounded in the foot.

Vilnius municipal IAD receives written complaint from a Mr. V. Luksys, stating that, during the military attack on the Press House, he received a bullet wound to the face.

Vilnius municipal IAD receives written complaint from a Mr. J. Kariniuskas, stating that he was beaten on 11 January during the military attack on the Press House.

At 11:10, on the Druskininkai-Pariece highway, Varena district, armed soldiers attack a National Defence Department guardpost, confiscating equipment and the guardpost trailer. Damages amount to eight thousand rubles. The Druskininkai municipal procuracy opens a criminal case on 25 January 1991 (Art. 92, LCC).

At 17:40, uniformed soldiers enter the offices of the Hunting and Fishing Association in Vilnius (Stikliai St. 6-8), and, wielding machine guns, break into the society's weapons storage closet and steal eight hunting rifles as well as a list of society's members. Criminal case opened by the Vilnius municipal procuracy.

Soviet army soldiers attack and occupy the former Central Committee building of the Voluntary Association for the Support of the [Soviet] Army, Air Force and Navy (DOSAAF in Russian) in Vilnius (Basanavicius St. 15), which was being used by Lithuanian Government agencies as a storage facility. Representatives of the Vilnius municipal Internal Affairs Department are not allowed to examine the scene. All materials and information regarding this case are conveyed to the office of the Procurator General.

A Soviet army tank, having blatantly violated traffic regulations, runs into and crushes a ZIL-130 truck (corner of Tuskulenai and Zalgirinio Streets), and severely injures the truck's driver. Criminal case opened by the Vilnius municipal IAD (Art. 246, paragraph 2, LCC).

Vilnius municipal IAD receives complaint from Mr. V. Palkevicius, stating that his VAZ-2109 automobile had been stolen. Further investigation reveals that the theft was committed by Soviet army soldier V. B. Mackevich (unit no. 71464), born 1971. Criminal case opened by the Vilnius municipal IAD (Art. 250, paragraph 1, LCC).

Procuracy General official information: On 12 January, at approximately 2:00 p.m., in Ziberto street in Kaunas, a GAZ-66 automobile from military unit No. 10999, in violation of traffic regulations, was unable to avoid a collision with an automobile being driven by L. Gerulis. One civilian death and injuries to three others resulted.

13 January

Soviet army tanks units, violating traffic regulations, damage automobiles and state-owned transportation vehicles along Suderve Street, in Vilnius: a car belonging to the Trakai municipal highway patrol (make: IAZ-27-15, license no. 8216 LLU)—damages=1,525 rbl.; 5 automobiles belonging to the Vilnius special automobile factory (make: ZIL-130 and GAZ-51)—damages=10 thousand rbl.; an automobile belonging to the Vilnius municipal IAD (make: VAZ-2106)—damages=8,300 rbl.; a private car belonging to Mr. J. Juskauskas, damages=2,000

rbl.; and a private car belonging to Mr. V. Ravaitis (make: Moskvich-412)—damages unknown. Total number of vehicles damaged=nine. Total damages=approx. 11,825 rbl.

Vilnius municipal IAD opens criminal case on 13 January (Art. 99, paragraph 2, LCC).

Soviet army soldiers attack and occupy a branch of the Police Academy training center of the Republic of Lithuania, in Valakampiai (suburb of Vilnius). Criminal case opened (Art. 234, paragraph 1, LCC). Investigation is conducted by the Criminal Investigations Department of the Procuracy General of the Republic of Lithuania.

At approximately 01:30, a military column of tanks and armored vehicles departs the Northern Barracks military base. The caravan divides, with one column moving toward the Vilnius television tower in the suburb of Karoliniskes, the other heading for the Lithuanian Radio and Television Committee building (Konarskio Street, central Vilnius). Paratrooper divisions are dispatched from the armored troop carriers, and, with the support of tanks and armored vehicles, begin shooting and assaulting the television buildings, where employees of Lithuanian television were still working. Large crowds of unarmed civilians had gathered at both buildings to defend them against a possible Soviet attack. Advancing on the tower with tanks and a shower of bullets, the soldiers kill thirteen civilians. During the time of the attack on the tower, a Soviet soldier is almost mortally wounded from "friendly fire." Many are wounded during the military take-over of the Radio and Television Committee building as well.

The following is a list of casualties provided by the Procuracy General of the Republic of Lithuania:

1. Algimantas Petras Kavoliukas, 51, resident of Vilnius, employed as a butcher in a Vilnius suburb grocery store. First to die during the attack on the television tower. Mr. Kavoliukas was killed on Suderve street, as he tried to block a moving tank. The tank hit Mr. Kavoliukas, and drove him into a nearby sand container. On 11 January 1991, Mr. Kavoliukas was among the civilians defending the Press House against a similar Soviet assault. During the attack he received wounds from a blow to the head by a rubber truncheon. According to reports from his spouse, Mr. Kavoliukas was determined to go to the television tower, as he was convinced that the tanks would not attack unarmed civilians. Mr. Kavoliukas was the father of three children. The oldest, Gintaras, had returned from service in the Soviet army on 13 January 1991, hours after the death of his father.

2. Loreta Asanaviciute, 23, resident of Vilnius, employed as a seamstress in the "Dovana" souvenir company. Died from severe injuries after she fell under an advancing tank. Ms. Assanaviciute was accompanied by her friend, Ms. L. Trucilauskaite, who also suffered severe injuries after she was caught under the same tank treads.

3. Rolandas Jankauskas, 22, resident of Vilnius. Mr. Jankauskas had returned from service in the Soviet army one month prior to his death. Death from severe injuries after falling under an advancing tank. Mr. Jankauskas came to the tower with his brother and Ms. Grazina Veikutyte. According to Ms. Veikutyte, she and Mr. Jankauskas fell to the ground after hearing tank fire, and seconds later she said she felt a tank roll by them.

4. Alvydas Kanapinskas, 38, resident of Kedainiai, employed in the Kedainiai

"Progresas" factory. According to paramedics, Mr. Kanapinskas died near the television tower at 02:10. Death from bullet wounds to the lungs.

5. Vytautas Vaitkus, 47, resident of Vilnius, employed as a plumber in a Vilnius meat plant. Death from bullet wounds to the heart and lungs received at the television tower.

6. Darius Gerbutavicius, 17, resident of Vilnius, high school student. Death from bullet wounds to the right lung, right thigh and lower leg.

7. Vidas Maciulevicius, 24, resident of Vilnius, locksmith. Death from bullet wounds to the face, neck and spine.

8. Apolinaras Juozas Povilaitis, 53, resident of Vilnius, locksmith. Death from bullet wounds to the heart, right lung, upper arm, and thigh.

9. Virginijus Druskis, 21, resident of Vilnius, university student. Death from bullet wounds to the heart and lungs.

10. Ignas Simulionis, 17, resident of Vilnius, high school student. Died alongside Darius Gerbutavicius, from bullet wounds to the head.

11. Titas Masiulis, 28, resident of Kaunas. Friends report having seen Mr. Masiulis trying to wave off an advancing tank. Death from bullet wounds to the heart and lungs.

12. Rimantas Juknevičius, 24, university student. Severe injuries from bullet wounds and severe burns, resulting in death several hours later in hospital. Accompanied to the tower by friends from the Kaunas University of Technology, who witnessed the attack.

13. Alvydas Matulka, 35, death from heart attack after witnessing the assault on the tower.

14. Soviet soldier Viktor Viktorovich Shatskikh, 30, death from bullet wounds.

According to the Procuracy General of the Republic of Lithuania, over six hundred persons suffered from a wide range of injuries as a result of the Soviet assault on the television tower and TV and Radio Committee building. Injuries ranged from bullet wounds, broken bones, and acoustic trauma for persons standing near tanks as they shot blanks to disperse crowds. Some injuries also resulted from the detonation of canisters containing an unidentified gas. Many persons were reported missing by friends and relatives in the first forty-eight hours after the assault. After several days, all but two of the missing had been accounted for.

As a result of the Soviet occupation of the main television facilities, more than 400 radio and television employees remain without normal working conditions. A temporary television facility was established at the Lithuanian parliament building, with a broadcast radius encompassing the city of Vilnius and its environs. Smaller television stations in major cities throughout Lithuania began transmission in January, and continue to rebroadcast Vilnius transmissions as well as local programming to all points in the country.

Recently, a group of evicted radio and television employees began a hunger-strike outside the Soviet-occupied Radio and Television Committee building, petitioning for its return to the Lithuanian government. The strike continues to this day.

Procuracy General official information: On 13 January, at approximately 2:00 p.m., on the Vilnius-Kaunas road in the Trakai Region, during the course of filming a moving column of military armored vehicles, A. Zrelskis received a gunshot wound, and an automobile belonging to A. Bublaitis was damaged by gunfire.

14 January

Bureau of Information release no. 034: This morning at 11:45, paratroopers barged into the local radio communications building at Gedimino Ave. 34 (central Vilnius), ordering all employees to leave. The building is presently surrounded by soldiers.

Vilnius municipal procuracy begins official criminal investigation proceedings concerning the occupation of the Press House (Article 274, LCC). The investigation is led by procurator Levickas, Criminal Investigations Department, Vilnius municipal procuracy. Complaints regarding injuries from the attack are also included in this investigation.

Procurary General receives report that, at approximately 14:00 on 13 January, Mr. A. Zrelskis received a bullet wound to the foot while he was attempting to film a moving column of armed vehicles on the Vilnius-Kaunas highway. A car belonging to Mr. A. Bublaitis (VAZ-2101) was also shot at in the same military caravan.

15 January

Vilnius municipal procuracy receives written complaint from Mr. A. Fedoseyev, stating that, on 14 January 1991, Soviet army soldiers, armed with machine guns, attacked him near the electricity net facility at Gedimino Ave. 36, and stole a BETA-CAM SR video camera belonging to the French television company TF-1, which had been filming in Vilnius from 10 January. Criminal case opened by the Vilnius municipal IAD (Art 148, paragraph 2, LCC).

16 January

Vilnius municipal procuracy receives written complaint from Mr. R. Dubickas, stating that on 14 January 1991, he was abducted by Soviet soldiers on Seskinė Street in Vilnius, taken to military command, beaten, and held for forty-eight hours. On 16 January 1991, Mr. Dubickas was blindfolded, tied and driven out of Vilnius, and later was thrown out of a car along the Vilnius-Kaunas highway. Mr. Dubickas suffered severe injuries. Dubickas later tells procuracy officials that fourteen more people were held under arrest at the military command at that time, and were also beaten and driven outside of Vilnius. Criminal case open-raised on 21 January 1991 by the Vilnius municipal procuracy (Art. 111, paragraph 1, LCC). Investigation conducted by R. Savickas.

At 18:00, in the Ulmerge suburb of Pasile, Soviet military armored vehicles block the road to a passing highway patrol car. Soldiers disarm the militia inside the car, confiscate their identification cards, and destroy the car's short-wave radio. Criminal case opened by the Ukmerge district procuracy on 25 January 1991 (Art. 214, LCC).

17 January

Bureau of Information release no. 051: The National Defence Department of the Republic of Lithuania informed the Bureau of Information that at "17:30 today military personnel began a violent, mass hunt for youths (who have either used their rights as Lithuanian citizens to leave service of a foreign army, or have not answered the Soviet draft)." According to the National Defence Department, at least eleven kidnappings of youths [have occurred] in Vilnius alone today.

18 January

Bureau of Information release no. 059: Yesterday a car of the Supreme Council of the Republic of Lithuania, [transporting member of parliament Vidmantas Povilionis], was stopped by an armed military patrol. Deputy

Povilionis issued the following statement to the Procurator General of the Republic of Lithuania: "On 17 January 1991, at about 22:10, on the Vilnius-Kaunas highway, a car of the Supreme Council was stopped near the Gariūnai intersection. In violation of immunity [accorded all parliamentarians], I was threatened with a weapon, forced to get out of the car and was detained for about 2.5 hours, together with my driver and a few highway patrol officers, in the cold with our hands held up behind our heads. . . . We were brutally brought onto the floor of a military truck and taken to military headquarters, where we were interrogated and eventually released."

24 January

Vilnius municipal procuracy receives written statement from Ms. L. Liaudanskaitė, stating that, at 03:40 on 22 January 1991, on Gedraiciu Street in Vilnius, Soviet soldiers abducted two draft-age men. Investigation begun by Vilnius municipal IAD.

Vilnius municipal IAD receives written complaint from Mr. A. Bakzenas, stating that on that same day, at approximately 17:40, Soviet soldiers stopped him as he was driving along Savanoriu Avenue. The soldiers checked Mr. Bakzenas' documents, and allowed him to drive on. Having driven one hundred meters, the driver saw an armored vehicle driving alongside, which began to fire at Mr. Bakzenas' automobile. Damage was done to the automobile. Criminal case opened by the Vilnius municipal procuracy on 25 January 1991 (Art. 75, LCC). Investigation conducted by K. Betingas.

25 January

Three members of the Supreme Council Security Department are arrested as they try to retrieve an automobile damaged earlier in a shooting incident. S. Steponavicius, D. Matulaitis and G. Macenas have been taken and detained at the Northern Barracks military base.

Bureau of Information release no. 073: After 01:00, the Bureau of Information received reports that foreign correspondents who had been on their way to [cover Soviet actions near the Northern Barracks] were abducted by the Soviet military. This was confirmed when at approximately 02:00 the Bureau received a call from Brian Killon, "Reuters" correspondent based in Moscow, saying that he had just returned from the Northern Barracks base where he was held with Marcus Warren of the London Daily Telegraph and Anatol Lieven of the London Times, as well as other Lithuanians. The three correspondents had found two people to drive them to the scene of [earlier] shootings, but before they actually reached the [site], they were stopped by military personnel, ejected from their automobiles at gunpoint, and loaded onto a military truck. According to the correspondents, there were already three people inside the truck, a few of which they recognized as having seen before in the parliament building. The correspondents and the three men (later identified as the arrested Supreme Council Security department personnel) were interrogated. The journalists reported that the Supreme Council Security department personnel were severely beaten.

Vilnius municipal IAD receives written complaint from Mr. M. Pleckavicius, stating that, at 17:30 on 24 January 1991, he was stopped by soldiers on Savanoriu Avenue, beaten, and driven to military command. He was later released. This case is included in the investigation of similar events of 24 January (see above).

Vilnius municipal IAD receives written complaint from Soviet APN Novosti press agency correspondent Mr. N. Baranaukas, stating that, at 22:45 on 24 January 1991, on Gelezinio Vilko Street, he was stopped by Soviet soldiers, beaten, and his Nikon FM-2 camera was stolen. Investigation begun by the Vilnius municipal IAD.

Vilnius municipal IAD registers complaint from a Mr. Baikstis, manager of the "Spauda" publishing company's central warehouse, stating that, at 13:30 on 23 January 1991, approximately twenty armed soldiers entered the warehouse (Kirtimu St. 55), and occupied the building. Militia arriving on the scene were not permitted to enter the warehouse territory. Criminal case opened by the Vilnius municipal IAD on 28 January 1991 (Art. 178, paragraph 2, LCC).

26 January

Vilnius municipal procuracy receives written complaint from Mr. R. Vaitkevicius, stating that, on 24 January 1991, as he and two other men (Steponavicius and Balnis) attempted to retrieve an automobile belonging to the Supreme Council Security department damaged by Soviet soldiers, they were stopped by soldiers, beaten, and taken to the Northern Barracks military base. Later, they were driven to military command and released only on 25 January.

Similar complaints of violent acts by Soviet soldiers on this day were received from Mr. S. Steponavicius, Mr. J. Balnis, Mr. Z. Slusnys, Mr. Matuliuskas, Mr. G. Terleckas, Mr. R. Aukstuolis, and Mr. S. Skiudulas. Mr. Slusnys later told procuracy officials that, while being held at the Northern Barracks base, a Soviet general demanded that he confess to shooting at a military caravan, and that this confession would be filmed by journalists from the Soviet television program "Vremya." After Mr. Slusnys refused to comply, his hands were tied and he was driven to the military command, where he was held until 26 January 1991. Slusnys suffered severe injuries, and remained in critical condition for some time after the incident.

These events are included in a general investigation of events of 24 January 1991 (see above).

After the events of January 24, 1991, when six men were captured by soldiers of the Soviet military unit in Vilnius, three employees of the Supreme Council Security department and a driver are still in the hospital. Following is the medical data on their conditions:

Matulaitis Darius, driver—Brought into the hospital at 3:50 p.m.

1. Light degree cerebral trauma
2. Fractured nasal bones
3. Multiple face and head bruises
4. Bruises of the back and the thorax

Steponavicius Saulius—Brought into the hospital 3:50 p.m.

1. Medium degree cerebral trauma
2. Fractured left side of the skull base (suspected)
3. Blood outpouring under the covers of the Cerebrum (suspected)
4. Multiple head and face bruises
5. Laceration of the back of the nose (patient received stitches)
6. Traumatic tear of the left eardrum and bruise on the left ear
7. Beating of the right thorax, beating of the left thigh, bruises and lacerations of the left shin

Macenas Gintaras—Brought into the hospital at 8:30 p.m.

1. Medium degree cerebral trauma
2. Fractured left side of the skull base

3. Laceration of the lower lip
4. Multiple head and face bruises
5. Traumatic tear of the right eardrum

27 January

Vilnius municipal IAD receives written complaint from Mr. A. Salkinas, stating that, at 01:00 on that same day, as he was driving along the Vilnius-Kaunas highway near the town of Gariunai, he was stopped by soldiers who checked his documents, and then began shooting a series of bullets into the pavement. Mr. Salkinas was wounded in the foot by a stray bullet. Investigation conducted by the Vilnius municipal procuracy.

At approximately 19:20, ten men, armed with automatic weapons and dressed in black uniforms, attack the Lithuanian customs post at the border town of Lavoriskiai (Lithuanian-Byelorussian border). The men search the customs officers, beat three of them, and destroy equipment in the past booth. Criminal case opened on 28 January 1991 by the Vilnius municipal procuracy (Art. 203, paragraph 2, LCC).

At approximately 20:30, ten men in two UAZ automobiles attack the Lithuanian customs post in Medininkai (Lithuanian-Byelorussian border). Two customs officers are beaten, and damages are done to equipment. Criminal case opened on 28 January 1991 by the Vilnius district procuracy (Art. 203, paragraph 2, LCC).

28 January

Vilnius municipal procuracy receives written complaint from Mr. R. Brazevich and Mr. V. Brazevich, stating that at approximately 20:20 on 26 January 1991 on Savanoriu Ave., they were stopped by soldiers wielding weapons, forced to lie on the ground, and were beaten with rifle butts and kicked repeatedly for no apparent reason. The injured were then driven to military command, were held over night, and only released the next morning. V. Brazevich suffered from serious injuries. Investigations being conducted by the Vilnius municipal procuracy.

29 January

Bureau of Information release No. 088: At 02:15, Mr. Jonas Tautkus (born 1970, a resident of Vilnius), was brought to the hospital from the Vilnius-Kaunas highway with a bullet wound to the back of the head. Dr. Alvydas Pauliukevicius performed surgery on Tautkus, but did not retrieve the bullet from the brain. Ms. Danguole Kaladiene, head of the intensive care department, later told the Bureau of Information that Tautkus "has no chance of survival."

According to a report by the Procuracy General, several witnesses who had brought Mr. Tautkus to the hospital explained that he had been shot by soldiers near the Gariunai (Vilnius suburb) gasoline station. An investigation into the incident has begun.

Bureau of Information release No. 091: The following report was issued today by the Ministry of Health of the Republic of Lithuania: [To date], 580 people had reported to hospitals and clinics for injuries [received during the Soviet military assault on the television tower and Radio and Television Committee building], 152 of these women. The hearing of 312 was impaired, 122 suffered from multiple injuries, 46 were injured by bullets, 10 were burn victims. One hundred and ten were treated in hospitals, 31 are still hospitalized, and the condition of one is still critical. From 20 January to today, thirteen injured men have reported to hospitals and clinics [as a result of continuing Soviet assaults on civilians—ed.]. Two of these men suffer from bullet wounds. Nine are still

being treated in hospitals for serious head injuries, one [Jonas Tautkus—ed.] is in critical condition.

Procuracy General official information: On 29 January at 12:50 a.m. near the Gariunai bridge in Vilnius, soldiers opened fire on an automobile owned by G. Ziura. The automobile suffered four bullet holes. There were no injuries.

30 January

Bureau of Information release No. 095: The Ministry of Health reports that at 14:25 today Jonas Tautkus died in the First Clinical Hospital in Vilnius of a bullet lodged in the brain.

2 February

According to a Ministry of Health statement, on 1 February 1991 Valdas Puzinas, 22, was beaten by four soldiers in Lukiskiu square. On requesting him to produce documents, the soldiers began beating him on the head with automatic rifle butts. He lost consciousness and when he came back to himself, they were gone. The youth was taken to the Red Cross hospital and diagnosed as suffering from dislocated jaw-bone and a fractured brow-bone.

Procuracy General official information: On 2 February at approximately 10:00 p.m. at the Manto Street bus stop in Klaipeda, five soldiers assaulted D. Ubartaite, V. Ubartas and V. Loktevas.

16 February

Procuracy General official information: At about 6:00 a.m. on the road near the town of Druskininkai, Soviet Army soldiers shot up an automobile belonging to A. Pauza. The front windshield of the automobile was damaged. There were no injuries.

18 February

The Ministry of Health reports that at 05:15, Mr. Vytautas Koncevicius, from Kedainiai, suffering from bullet wounds received during the Soviet military assault on the television tower, died in hospital, bringing the death toll from Soviet attacks to sixteen.

26 February

Procuracy General official information: On 26 February at about 9:30 p.m. Soviet Army soldiers conducted an illegal search of the television retransmission tower in Plunge. Having found nothing, they cut telephone lines and left. The soldiers claimed they were searching for weapons.

8 March

Bureau of Information release No. 154: On 7 March at approximately 1 a.m., two employees of the State Intelligence Department of the Republic of Lithuania, Kestutis Mickus and Vitoldas Petravicius, were stopped in their Department car by Soviet special militia while driving near the Lithuanian special police building, presently occupied by the USSR military. They were accused of not stopping to the blink of car headlights, supposedly shown to them by the Soviets. After being held in Military headquarters of Vilnius they both were released at approximately 4 p.m. today. At the headquarters Mickus and Petravicius were interrogated many times and searched separately. The Department car still remains in the yard of the headquarters.

9 March

At about 5:00 a.m. shots were heard in Basanavicius Street in Vilnius. A foreign correspondent living nearby heard the shots and went outside to investigate. He saw three Soviet soldiers; one was shooting into the air. When the correspondent approached him, the soldier struck him on the jaw.

Procuracy General official information: On 9 March [at approximately 5:00 a.m.] intoxicated Soviet soldiers arbitrarily detained Meilunas, Charitonovas and Jasiulionis in the vicinity of Basanavicius Street 15. Meilunas and Jasiulionis were assaulted; taken were cash, a watch, and an audio cassette. The above individuals were made to lie in the street, were struck with rifle butts, were mocked, and obscene curses were aimed at them.

11 March

Last night six Lithuanian policemen and an employee of the National Defense Department were detained by Soviet Special Militia in Vilnius.

Yesterday at approximately 9 p.m. National Defense Department employee Arturas Merkys were detained by the SSM while bringing furniture for the Department in a department automobile. The furniture and the car are still in the possession of the Soviet Military.

At approximately 2:30 a.m. a car of Lithuanian Police with four policemen on board was stopped by the SSM. They were stopped by a military car standing across the street. The Soviets said that they will speak to none lower than the "Minister" and took all four Lithuanians to the same Police Academy. Later in the day the policemen were released without their automatic weapons.

At about the same time two sergeants of the Lithuanian Police were stopped in their private car, again, by the SSM. The Policemen were accused of driving while under the influence, even though these were not traffic officers. The Soviets took away the sergeant's pistols and let them go.

14 March

Procuracy General official information: On 14 March at approximately noon, at the former DOSAAF facility in the Virsuliskes [area of Vilnius], a Soviet Army soldier, when acting negligently with his weapons, shot in the head A. Osolkov (born 1976).

15 March

The headquarters' employee, Major Zaichenko, informed the Lithuanian authorities that on March 14, at approximately 11 p.m. an unrecognized young man was shot dead in the building of the National Defense Department of the Republic of Lithuania (the building presently occupied by the USSR military).

Later today an investigation group of the Lithuanian Ministry of Internal Affairs, which went to the mentioned building, was not allowed inside. The body of the young man is in the morgue at the moment and his identity is still being established.

18 March

At approximately 12:45 a.m., Deputy of the Supreme Council and Director of the National Defence Department of the Republic of Lithuania Audrius Butkevicius and his driver Vaclovas Jezerskas were abducted by Soviet military personnel. They were threatened by automatic weapons carried by four men in civilian clothes. It was only after Deputy Prime Minister Zigmas Vaisvila and Prosecutor General Arturas Paulauskas undertook negotiations with Soviet Internal Affairs officials both in Vilnius and in Moscow that Audrius Butkevicius and later Vaclovas Jezerskas were released.

20 March

At approximately 7 p.m. seven officers of the National Defence Department of Lithuania border patrol in a bus were stopped in Pylimo Street, Vilnius by Soviet OMON jeeps blocking their way and as they did not

stop, the jeeps chased, shooting at them. Five succeeded in escaping, four of them were not wounded, one is in hospital with a bullet wound in the thigh near the groin; two wounded were being held at the Soviet military commander's headquarters in Vilnius. After long negotiations between Lithuanian Government officials and officials at the commander's headquarters, Lithuania's Minister of Health, Juozas Oleka, and an official from the Ministry of Internal Affairs were allowed into the building where the two National Defence Department employees were being held. According to Minister Oleka, who was not able to make a close examination, one had slight wounds, the other was wounded in the skull and chest, and needed immediate medical attention, possibly surgery. Medical attention had not, as yet, been allowed.

At approximately 2:15 a.m. the two National Defence Department employees were released from military headquarters, one was given first aid treatment and sent home, the other was taken to the hospital with what seems to be head wounds and a broken rib. Both received their injuries while being dragged out of the bus at the scene of the shooting.

27 March

At 12:56 p.m. the Soviet army detained E. Zvinklys at the house 51, Gedimino Street, Vilnius, by aiming automatic weapons at him. He was taken away to an unknown destination.

28 March

Soviet army men, at 12:30 p.m. at 216-9 Taikos av., Klaipeda, broke into the flat of M. Zuravliova, as they searched for her son, who deserted the Soviet army.

3 April

At 11:30 a.m. in Jovaru Street, Kaunas Soviet army men took Mindaugas Gedmintas out of his car by force put him military lorry and drove him to an unknown destination. M. Gedmintas deserted from the Soviet army.

9 April

At approximately 9 a.m. the automobile drivers' school in Plytines Street in Vilnius was seized. The action was carried out by armed soldiers in camouflage type uniforms and bullet proof vests.

19 April

At approximately 14:00 p.m. today Soviet military forces from an as yet unidentified unit surrounded and forcibly occupied a customs post in the border town of Medininkai, 60 km east of Vilnius, on the Vilnius-Minsk highway.

Having evicted the Lithuanian customs officials from the post, the military disconnected all communications lines to the facility. Customs officials were ordered to leave the area.

24 April

At approximately 11:00 a.m. a group of Soviet soldiers surrounded and entered a building in Naujoji Vilnia housing two banks: a branch of the Agricultural Bank of the Republic of Lithuania and a Commercial Bank which is registered as a subdivision of the USSR Gosbank. The soldiers reported that they acted upon the order of Boris Pugo, USSR Minister of Internal Affairs.

25 April

During the night technical schools in Kaunas, Marijampole, Alytus, Siauliai, Klaipeda, Panevezys, an aviation factory in Prienai, the Hotel "Signalas" in Alytus, an aeroclub in Kyviskes, an aerospots club in

Birzai and a gliding club in Palukne (both close to Vilnius, and belonging to the Aeroclub of Lithuania) were assaulted and occupied. The military have confiscated technical equipment, building materials, inventory and cars from the schools.

Soldiers in the hotel in Alytus broke into guest rooms and disconnected telephone lines. Other buildings remain fully occupied.

At 2:45 p.m. on the territory of the occupied Lithuanian Radio and Television Committee a shot was heard. An ambulance which arrived at 3:15 p.m. found a dead soldier with a bullet wound to the skull. The dead soldier was identified as a Mr. Achmedeev. USSR military procuracy officials based in Vilnius informed Lithuanian police officers that Achmedeev was shot dead accidentally due to unsafe use of a firearm.

EYEWITNESS ACCOUNTS OF THE SOVIET ATTACK ON LITHUANIAN BROADCASTING FACILITIES IN VILNIUS ON JANUARY 13, 1991

Vaclovas Krisciunas, Vilnius:

When I turned to face the roaring tank right next to me, I saw three people under its treads. They were shouting, screaming incredibly, moaning. We jumped to help them. We pulled one out quickly. But we couldn't pull out the other two women because their legs were still pinned under the treads. The tank wasn't moving. We leaned on the front of the tank and gestured to the tank driver to not drive forward, to go in reverse. After a few minutes we heard the sound of the engine, and the tank pulled back about a meter and released the legs of the two women. They weren't moaning or screaming. They had probably lost consciousness because of the unbearable pain. We picked them up and carried them to Suderve St. After carrying them for a bit, I ran to look for an ambulance because I couldn't see one anywhere. At last I saw an ambulance in the distance. I ran up to it and saw a man who had been shot in the chest lying in it (he was stripped to the waist, and his chest was bandaged). He was pale and lying still. A young woman in a dark coat and who was pale in the face was lying by his side. She also wasn't moving.

Nerimantas Markevicius, Medical assistant of the First Aid Station, student:

As soon as we got to the TV tower, the first person I saw was a man walking in our direction; his head was cut open. His head was injured so severely that even his skull was fractured, and the pulsation of the cerebral cortex could be felt. I bandaged him. I heard people shouting from the hill that there were many injured. I climbed up the hill slipping, and it seems to me that for some time I was petrified by the sight there. I saw people standing. Then the tank fired, and three or four of them fell as if they had been hit. At that moment a man came up to me with cut face and a ruptured eardrum. I told him to go to the ambulance. Then I saw that people were carrying in my direction an adolescent boy shot in the leg. Only when I took the wounded to the Red Cross Hospital did I fully realize what was going on. The corridor was full of wounded people; doctors were stitching wounds right in the corridor since all the operating rooms were occupied.

Loreta Trucilauskaite, Vilnius:

When the shooting started I didn't feel any fear. Just my friend Loreta became very frightened. I told her, "Pull yourself together; pray; everything will be all right; there are so many people here; there's a whole crowd here, not just a few people, they won't do us any harm." Then window panes started falling. We pulled back from the tower. We chanted "Lie-tu-va!" We were

pulling back as the tanks were approaching. Only now I remember that Loreta said, "Give me your hand." I was stretching out my hand to her but slipped and somebody fell on top of me. I didn't understand what was going on. I saw the cannon of the tank above me and suddenly felt that something was pressing on my legs. I heard somebody scream. I remember through a haze that somebody was lying next to me, but I couldn't understand if it was my friend or not. I managed to pull one leg out, but my other leg was under the treads of the tank. I also remember men waving and shouting something to the soldiers sitting on the tank. I hear rumours that supposedly the Lithuanians themselves were pushing girls under the tanks. That's sheer nonsense. We were retreating when the tank was pushing us. But I slipped and wasn't quick enough to get up. . . . When I remember that horrible night, I really think that I wouldn't be afraid to defend the tower again if it were necessary. I have no feeling of revenge for the tank operator who injured me. But I can't understand how he could drive over people, even if he had been given such an order. This is inhuman, terrible. . . .

Sigitas Lenkevicius, Plunge District, Gegrenai:

People sang and danced by the tower till 1:30 in the morning. Then the siren wailed. The tanks started to move towards the tower. People encircled the tower. The tanks began to shoot. It was terrifying. People were singing hymns. A vehicle came after the tanks; soldiers jumped out, and all hell broke loose. . . . The soldiers would hit people on the head with machine-gun butts; it didn't matter if they were attacking a woman or a child. Shots were cracking all around. And the crowd chanted: "Lietuva, Lietuva!" . . .

Vidas Janaudis, Vilnius:

I was part of the group of medical personnel allowed to enter the TV tower seized by the paratroopers. The troops were calm, they were smoking, some of them were slightly bruised. Looking at them you got the impression they were people resting after an ordinary day's work. One of them tried to explain: "It was more terrifying in Baku!" Then he fell silent and went on as if trying to justify himself, "Why are people getting in the way of tanks for no reason? If we're given an order, we will occupy [the building] at any cost! Once we've gotten in here, the people had better get out of the way. Later the authorities will have it out among themselves."

Igoris Braslavskis, Physician, intensive care team of the first aid station:

When we were called to the Television Committee building, the first thing I saw there was a man on a stretcher next to an ambulance. One glance was enough to conclude that he was already dead. Many people were willing to help, and I asked to bring all the wounded people to the car. A man ran up and told me that he had seen a burnt man in the enclosure by the Television and Radio Committee building where armored personnel carriers were already standing. Together we went to the enclosure, and I tried to squeeze inside through an opening between the booth and the fence, but the troops spotted me and opened fire, although I was wearing a white doctor's smock. A young man with a burnt face was walking about in the enclosure shouting that he didn't know which direction to go. Having stepped back, I started to shout commands for him to come in the direction of my voice. He oriented himself and came up to me. His whole face

Set

VICTIMS OF ACTIONS OF THE SOVIET ARMY CARRIED OUT IN VILNIUS, JANUARY—FEBRUARY, 1991—Continued

	Type of injury					Burns	Toxic injury	Other injuries	Missing	Ambulatory	Hospitalization	Killed or died in hospital	Total
	Missing	Combined wounds	Combined traumas	Acoustic traumas	Gunshot wounds								
Missing	33	120	16	283	46	9	4	7	3	366	135	14	518
Male	15	29	5	133	8	2	2	4	1	162	34	1	198
Female													
Total	49	150	21	416	54	11	6	11	4	530	169	15	718

Unfortunately, the Soviet Army's aggressive actions against peaceful population of Lithuania continue. Men are detained in streets, cars are stopped, their passengers are forced to get out and stay outside with their hands up, while their cars are being searched. There have been cases, when ambulance cars have been detained. Besides, soldiers beat people and shot at them from automatic weapons. Military men take men to commandant's headquarters or to the barracks resorting to violence; they inflict physical abuse on people ignoring even their poor state of health (e.g., a young man with his arm in plaster cast was severely beaten in Kaunas).

We kindly request you to spread this information as broadly as possible, because official mass media of the USSR either suppress it or present it distorted.

Ministry of Health sincerely thanks everybody who sympathized with us, who helped us and is still rendering material help to the Lithuanian medicine.

JUOZAS OLEKAS, M.D.,
Minister of Health
of Lithuanian Republic.

LIST OF INJURED AS A RESULT OF SOVIET MILITARY ACTIONS

(Data provided by the Ministry of Health of the Republic of Lithuania, January 1991)

Name, year of birth, residence, diagnosis

Adamonis, M.M., 1935, Vilnius, acoustic trauma.
Aksamitauskas, Ceslovas, 1947, Vilnius, acoustic trauma.
Aleksandravicius, Kestutis, 1934, Kedainiai, head lacerations.
Aleksėjunaite, Jadvyga (f), 1974, Vilnius, acoustic trauma.
Alinkonis, Stanislovas, 1953, Vilnius, acoustic trauma.
Alisauskas, Albinas, 1968, Kaunas district, nose contusions.
Alisauskas, Alvydas, 1964, Vilnius, acoustic trauma.
Alkovikas, Martynas, 1923, Kaunas, acoustic trauma.
Andrijauskas, Irtautas, 1969, Vilnius, acoustic trauma.
Andriuskevicius, V.J., 1935, Vilnius, n/a.
Antul, Virginijus, 1967, Vilnius, acoustic trauma.
Anuzyte, Lina (f), 1972, Plunge, calf wounds.
Arbaciauska, Liudvikas, 1953, Vilnius, acoustic trauma.
Asanavicius, Gintautas, 1963, Kaunas, head wounds.
Asanaviciute, Loreta (f), 1967, Vilnius, multiple injuries (dead).
Astrauskaite, Lina (f), 1972, Vilnius, acoustic trauma.
Augulienė, Nijole (f), 1948, Vilnius, acoustic trauma.
Augustinaviciute, Regina (f), 1942, Vilnius, acoustic trauma.
Aukstikalnis, Vytautas, 1961, Kupiskis, acoustic trauma.

Aukstuolis, Rimantas, 1954, Ukmerge, concussion.

Babickas, Jonas, 1943, Kupiskis district, broken ribs.

Babravicius, Juozas, 1963, Sirvintos, acoustic trauma.

Bagdonas, Petras, 1949, Kaunas, n/a.

Bagdonas, Ceslovas, 1946, Kaunas, acoustic trauma.

Bajoras, Mindaugas, 1971, Vilnius, bullet wound to the back.

Bajorunas, Alvydas, 1968, Panevezys, forearm fracture.

Baleviciene, Vida (f), 1947, Vilnius, acoustic trauma.

Baliukevich, V.J., 1952, Vilnius, jaw fracture.

Baliukevicius, Stasys, 1959, Vilnius, stab wound to the back.

Balkevich, Miroslav, 1971, Vilnius, bullet wound to the foot.

Baltrukonis, Leonardas, 1931, Vilnius, acoustic trauma.

Baltrukonis, Tomas, 1969, Vilnius, acoustic trauma.

Balvocius, Arunas, 1972, Vilnius, acoustic trauma.

Balcinskas, Sarunas, 1959, Kaunas, concussion.

Balciunas, Albinas, 1941, Kaunas, calf and heel wounds.

Balciunas, Auturas, 1969, Vilnius, acoustic trauma.

Banelis, Mindaugas, 1973, Vilnius, head contusions.

Banevicius, J.J., 1956, Vilnius, n/a.

Banevicius, Julius, 1951, Vilnius, acoustic trauma.

Banevicius, Pranas, 1954, Vilnius, acoustic trauma.

Baronas, Vladislovas, 1936, Vilnius, acoustic trauma.

Bartlingas, Jonas, 1969, Vilnius, acoustic trauma.

Bartulis, Rytis Jonas, 1944, Kupiskis district, chest contusions.

Barysas, A., 1936, Vilnius, acoustic trauma.

Barysas, Vaclovas, 1940, Vilnius, acoustic trauma.

Bazys, Sarunas, 1963, Vilnius, hand and chest contusions.

Baciulis, Vladislovas, 1967, Vilnius, retinal damage.

Bekeviciene, Virginija (f), 1955, Kupiskis, chemical facial burns.

Belinkevich, A., 1935, Vilnius, n/a.

Bendorius, Tomas, 1971, Vilnius, forearm fracture.

Beresneviciene, Irena (f), 1938, Vilnius, acoustic trauma.

Bernadickiene, Laima (f), 1951, Kupiskis, head wound.

Bernotas, Vaclovas, 1969, Vilnius, upper arm, shoulder wounds.

Berzanskis, Arturas, 1972, Vilnius, acoustic trauma.

Bezasas, Pranas, 1951, Kupiskis, bullet wound to the calf.

Bezeriene, Gene (f), 1945, Panevezys, eye contusion.

Becius, A., 1937, Vilnius, acoustic trauma.

Bieliauskaite, Rasa (f), 1963, Vilnius, acoustic trauma.

Bikmanas, Tomas, 1973, Vilnius, head wounds.

Bilksiene, Stefa (f), 1928, Varena, acoustic trauma.

Binkauskas, Vytautas, 1933, Vilnius, head wounds.

Birzaniene, Grazina (f), 1939, Vilnius, acoustic trauma.

Bisikorskas, Pranas, 1936, Vilnius, broken ribs.

Bicikovas, Sergejus, 1965, Vilnius, bullet wound to the foot.

Blazevicius, V., 1947, Vilnius, concussion.

Bliovas, A., 1941, Vilnius, acoustic trauma.

Bloze, Zenonas, 1930, Kedainiai district, head wound.

Blediene, Dange (f), 1966, Vilnius, acoustic trauma.

Bogociunas, Arnas, 1969, Vilnius, acoustic trauma.

Bosevicius, Valdas, 1969, Vilnius, concussion.

Bradauskas, Saulius, 1959, Vilnius, acoustic trauma.

Bradavicius, Saulius, 1959, Vilnius, acoustic trauma.

Brazevich, Valentin, 1965, Vilnius, concussion.

Bridzius, Juozas, 1933, Kedainiai, head wound.

Bridzius, Saulius, 1973, Vilnius, acoustic trauma.

Briedelis, Kestutis, 1971, Vilnius, head and lung contusions.

Brunzene, Janina (f), 1945, Vilnius, concussion.

Bukucinskis, Jones, 1938, Vilnius, acoustic trauma.

Buoltaite, Giedre (f), 1947, Vilnius, acoustic trauma.

Bulovas, Zilvinas, 1965, Vilnius, acoustic trauma.

Burneika, Karolis, 1972, Vilnius, acoustic trauma.

Buta, Justinas, 1955, Sirvintos district, concussion.

Buta, Kristijonas, 1971, Vilnius, Acoustic trauma.

Buda, Vytautas, 1928, Vilnius, acoustic trauma.

Butiene, Kazimiera (f), 1930, Plunge, concussion.

Chadakevicius, Henrikas, 1956, Vilnius, n/a.

Chmieliauskas, Igoris, 1966, Panevezys, calf and heel wounds.

Cibauskas, Edvinas, Vilnius, acoustic trauma.

Cibulskiene, Virginija (f), 1934, Vilnius, retinal damage.

Ciceniene, Emilija (f), 1925, Ignalina district, shoulder wounds.

Citrinavicius, Mindaugas, 1948, Alytus, bullet wound to the foot.

Cvirka, Kestutis, 1939, Vilnius, acoustic trauma.

Calka, Alfonsas, 1931, Vilnius, retinal damage.

Capkauskienė, Kristina (f), 1959, Kaunas, bullet wound to the foot.

Ceginskaite, Vilija (f), 1964, Vilnius, acoustic trauma.

- Cekanauskas, Vyandas, 1967, Vilnius, eye contusions.
- Celutka, Gintautas, 1962, Vilnius, acoustic trauma.
- Ceple, Anicetas, 1923, Subacius, bullet wound to the thigh.
- Cepkauskas, Simonas, 1923, Kaunas, head contusions.
- Cerikienė, Ona (f), 1949, Vilnius, concussion.
- Cernavicius, Vytas Petras, 1937, Vilnius, acoustic trauma.
- Cerneckas, Gintaras, 1953, Vilnius, head contusions.
- Cerniauskas, Arunas, 1973, Vilnius, head contusions.
- Cerniauskas, Saulius, 1966, Vilnius, bullet wound to the foot.
- Cernius, Mindaugas, 1973, Vilnius, bullet wound to the foot.
- Ciurlis, Eugenijus, 1952, Kupiskis, acoustic trauma.
- Dainauskas, Juozas, 1938, Vilnius, acoustic trauma.
- Dambrauskaite, Laima, 1958, Kaunas, acoustic trauma.
- Dambrauskas, Jonas, 1971, Vilnius, acoustic trauma.
- Dambrauskas, Rimantas, 1952, Vilnius, acoustic trauma.
- Dapkus, Aidan, 1969, Vilnius, contusions to the nose.
- Daugelavicius, Rimantas, 1957, Vilnius, head wound.
- Daunoravicius, R., 1952, Vilnius, acoustic trauma.
- Dautartaitė, Juratė (f), 1975, Vilnius, acoustic trauma.
- Dautartas, Gintaras, 1973, Vilnius, acoustic trauma.
- Daskevicius, Romas, 1947, Vilnius, acoustic trauma.
- Debronevsky, Igor, 1965, Vilnius, acoustic trauma.
- Deksny, Gintaras Jonas, 1962, Sirvintos district, concussion.
- Deksnyte, Ausra (f), 1966, Vilnius, acoustic trauma.
- Dergintinene, Ilona (f), 1964, Vilnius, acoustic trauma.
- Deventinas, Vytas, 1953, Klaipeda, tear gas poisoning.
- Dindiene, Veronika (f), 1943, Sirvintos, acoustic trauma.
- Dragunaite, Ruta (f), 1971, Vilnius, acoustic trauma.
- Draguniene, Aldona (f), 1942, Vilnius, acoustic trauma.
- Druskis, Virginijus, 1969, Vilnius, bullet wound, chest (dead).
- Dubickas, Ricardas, 1969, Vilnius, concussion.
- Dubietiene, Stase (f), 1939, Vilnius, acoustic trauma.
- Dubinskas, Remigijus, 1968, Vilnius, retinal damage.
- Dulevicius, Vytautas, 1940, Kaunas, head wound.
- Dunaievas, Jonas, 1948, Vilnius, acoustic trauma.
- Dzindzevicius, Stasys, 1962, Vilnius, n/a.
- Eidukaitis, Arunas, 1975, Vilnius, torn ligaments.
- Gabalas, Rolandas, 1961, Vilnius, head wounds.
- Gaidelis, Gintautas, 1965, Vilnius, acoustic trauma.
- Gaizutytė, Asta (f), 1975, Vilnius, acoustic trauma.
- Galdikas, Grazvydas, 1967, Vilnius, broken nose.
- Galeckas, Audrius, 1969, Kaunas district, chest wounds.
- Galkus, A., 1941, Vilnius, concussion.
- Galkus, Adomas M., 1949, Vilnius, n/a.
- Galvele, Vytautas, 1951, Vilnius, acoustic trauma.
- Galciuniene, Marijona, 1948, Vilnius, acoustic trauma.
- Galciute, Daiva (f), 1972, Vilnius, acoustic trauma.
- Garniene, Dalia (f), 1945, Kaunas, chemical damage to eyes.
- Gavrilov, Yevgeny, 1962, Pskov, bullet wound to the foot.
- Gavenaitis, Rimantas, 1957, Kaunas, head wound.
- Gedminiene, Elena, 1948, Vilnius, acoustic trauma.
- Gedrimaite, Rita (f), 1961, Klaipeda, acoustic trauma.
- Gembli, Jokubas, 1943, n/a, n/a.
- Genys, Eugenijus, 1949, Kedainiai, chest wounds.
- Gerbutavicius, Darius, 1973, Vilnius, bullet wounds, chest (dead).
- Gerulienė, Lida (f), 1948, Kaunas, n/a.
- Gerulis, Liudvikas, 1943, Kaunas, concussion.
- Geryba, Vytautas, 1943, Vilnius, acoustic trauma.
- Geciene, Ona (f), 1941, Vilnius, acoustic trauma.
- Geciene, Vanda (f), 1928, Vilnius, acoustic trauma.
- Gecys, Sigita, 1960, Vilnius, acoustic trauma.
- Gildutyte, Vlada (f), 1918, Vilnius, acoustic trauma.
- Girdauskas, Augustinas, 1942, Vilnius, acoustic trauma.
- Girdenis, Jonas, 1966, Vilnius, concussion.
- Girdvainiene, Liucija (f), 1945, Vilnius, concussion.
- Giriencikas, Juozas, 1932, Vilnius, acoustic trauma.
- Girulskis, Igoris, 1964, Vilnius, head lacerations.
- Glunter, Vladimir, 1949, Vilnius, n/a.
- Gilaudelis, Boleslovas, 1932, Vilnius, damage to the eyes.
- Glusauskas, Viktoras, 1953, Kaunas district, acoustic trauma.
- Gnezdovas, Piotras, 1952, Vilnius, broken ribs.
- Goga, Juozapas, 1937, Marijampole district, burns.
- Gradauskas, Robertas, 1969, Kaunas, bullet wounds to the feet.
- Grasys, Bronius, 1940, Vilnius, acoustic trauma.
- Grigaite, Laima (f), 1968, Vilnius, acoustic trauma.
- Grigas, Juozas, 1936, Vilnius, acoustic trauma.
- Grigonis, Algirdas, 1946, Vilnius, acoustic trauma.
- Grincevicius, Ivanas, 1955, Vilnius, broken ribs.
- Brybauskienė, G. (f), 1950, Vilnius, foot contusions.
- Grustas, Gintaras, 1967, Vilnius, acoustic trauma.
- Gubenas, R., 1964, Vilnius, acoustic trauma.
- Gudaitiene, Dalia (f), 1961, Byciu village, acoustic trauma.
- Guntyte, Daiva (f), 1961, Vilnius, acoustic trauma.
- Guogas, Leonas Vytauto, 1933, Vilnius, acoustic trauma.
- Guokas, L.M., 1933, Vilnius, acoustic trauma.
- Gustaitis, Matas, 1945, Vilnius, acoustic trauma.
- Guzauskienė, Skaistė (f), 1939, Vilnius, acoustic trauma.
- Gedziunaite, Estera (f), 1975, Kupiskis, acoustic trauma.
- Ignataviciute, Egle (f), 1970, Vilnius, acoustic trauma.
- Ileniene, Grazina (f), 1955, Vilnius, acoustic trauma.
- Ilkiv, Nikolai, 1953, Vilkaviskis, acoustic trauma.
- Ilo, Leonid, 1965, Vilnius, acoustic trauma.
- Imbrasienė, Birutė (f), 1947, Vilnius, acoustic trauma.
- Indriunas, Darius, 1968, Vilnius, acoustic trauma.
- Ivanauskaite, Regina (f), 1967, Vilnius, n/a.
- Ivanauskas, Liudvikas, 1937, Kaunas, broken ribs.
- Ivanovas, Georgijus, 1955, Vilnius, acoustic trauma.
- Ivanovas, Olegas, 1968, Vilnius, acoustic trauma.
- Ivasko, Vitold, 1936, Vilnius, acoustic trauma.
- Ivoska, Ceslovas, 1947, Vilnius, n/a.
- Jagminas, R., 1967, Vilnius, n/a.
- Jakavoniene, Laima (f), 1940, Vilnius, acoustic trauma.
- Jakucionis, Stasys, 1948, Vilnius, acoustic trauma.
- Jakstiene, Rima (f), 1959, Vilnius, acoustic trauma.
- Jakstiene, Viktorija (f), 1955, Vilnius, n/a.
- Janaviciene, Bronislava (f), 1929, Vilnius, acoustic trauma.
- Janikas, Vilius, 1970, Vilnius, head wounds.
- Jankauskaite, Genute (f), 1959, Vilnius, acoustic trauma.
- Jankauskas, Alvydas, 1967, Vilnius, nose wounds.
- Jankauskas, M., 1971, Vilnius, acoustic trauma.
- Jankauskas, Rolandas, 1969, Vilnius, multiple injuries (dead).
- Jankauskiene, Jadvyga (f), 1933, Kedainiai, acoustic trauma.
- Jankeviciene, Vida (f), 1946, Vilnius, acoustic trauma.
- Janonis, Vladas, 1954, Kretinga, acoustic trauma.
- Januskauskienė, Ilona (f), 1942, Kaunas, chemical damage to the eyes.
- Janciauskienė, Birutė (f), Kaunas, tear gas poisoning.
- Jaramaitiene, Jura (f), 1949, Vilnius, acoustic trauma.
- Jasiulevicius, Vincentas, 1947, Vilnius, upper arm wounds.
- Jazbutis, Jonas, 1971, Vilnius, acoustic trauma.
- Jazuciuniene, Regina (f), Vilnius, Contusions, lacerations.
- Jekeleviciene, Ona (f), 1922, Varena, concussion.
- Jukna, Zigmantas, 1958, Vilnius, head wound.
- Juknevicius, Rimantas, 1966, Marijampole, bullet wound, stomach (dead).
- Juodgalvis, Jonas, 1929, Vilnius, acoustic trauma.
- Juodkazis, Alekas, 1940, Vilnius, acoustic trauma.
- Juodrys, Marius, 1975, Vilnius district, acoustic trauma.
- Jurgaityte, Ruta (f), Kaunas, head contusions.
- Jurgutis, Algimantas, 1956, Vilnius, acoustic trauma.
- Jurkevicius, Vytautas, 1970, Kaunas, concussion.
- Jursenas, Vytautas, 1959, Vilnius, acoustic trauma.
- Jusis, Petras, 1933, Vilnius, head contusions.
- Juskevicius, Bronius, 1968, Vilnius, upper arm, shoulder wounds.

Kairiene, Liudmila (f), 1957, Marijampole, broken hand.
 Kairys, Marius, 1968, Vilnius, acoustic trauma.
 Kalasauskas, Kestutis, 1948, Kaunas district, acoustic trauma.
 Kalesinskas, Romas, 1950, Kaunas, acoustic trauma.
 Kalinauskiene, Verute (f), 1946, Vilnius, acoustic trauma.
 Kalpokas, Rimvydas, 1959, Vilnius, acoustic trauma.
 Kaluskeviciene, Regina (f), 1938, Vilnius, lacerations to the femur.
 Kalvaityte, Egle (f), 1974, Kedainiai, bullet wound in the foot.
 Kalvelis, Aleksandras, 1938, Kupiskis, acoustic trauma.
 Kanapinskas, Alvydas, 1952, Kedainiai, bullet wound, chest (dead).
 Kancevicius, Vytautas, 1941, Kedainiai, bullet wound, stomach (dead).
 Kandelis, Romualdas, 1973, Vilnius, acoustic trauma.
 Kariniauskas, Aloyzas, 1938, Vilnius, acoustic trauma.
 Kariniauskas, Jonas, 1957, Vilnius, head wounds.
 Karosas, Algis, 1942, Vilnius, acoustic trauma.
 Karpavicius, Gintautas, 1960, Vilnius, bullet wound to the foot.
 Karpuchinas, Arturas, 1961, Kaunas, minor shock trauma.
 Karsokas, Juozas, 1947, Vilnius, acoustic trauma.
 Kartavicius, Gintas, 1967, Prienai district, elbow contusions.
 Karulis, Vytautas, 1948, Vilnius, acoustic trauma.
 Kaseliene, Vida (f), 1949, Ukmerge, acoustic trauma.
 Kaselyte, Birute (f), 1972, Ukmerge, acoustic trauma.
 Kasiulis, Jonas, 1943, Vilnius, n/a.
 Kasperaviciene, Danute (f), 1934, Kaunas district, acoustic trauma.
 Katilius, Edvinas, 1969, Vilnius, acoustic trauma.
 Katilius, Evaldas, 1974, Vilnius, acoustic trauma.
 Katinas, Edvardas, 1931, Vilnius, acoustic trauma.
 Kauleryte, ? 1972, Vilnius, acoustic trauma.
 Kausinis, Vidmantas, 1944, Vilnius, acoustic trauma.
 Kavaliauskaite, Albina (f), 1961, Vilnius, acoustic trauma.
 Kavaliunas, Albinas, 1960, Marijampole, spine contusions.
 Kavoliukas, Algimantas Petras, 1938, Vilnius, upper body crushed (dead).
 Kazakevicius, Gintaras, 1955, Vilnius, n/a.
 Kazakevicius, Ceslovas, 1957, Vilnius, bullet wound to the foot.
 Kazlauskaite, Daiva (f), 1966, Kaunas, eye damage.
 Kazlauskaite, Elena (f), 1938, Vilnius, acoustic trauma.
 Kacerauskiene, Grazina, (f), 1935, Kaunas, acoustic trauma.
 Kasupa, Gintaras, 1955, Vilnius, acoustic trauma.
 Kemes, Rimas, 1956, Vilnius, n/a.
 Kersulis, Darius, 1971, Vilnius, n/a.
 Kezys, Aleksandras, 1930, Vilnius, chemical damage to eyes.
 Keziene, Salomeja (f), 1945, Vilnius, acoustic trauma.
 Kiaulevicius, Darius, 1970, Vilnius, acoustic trauma.
 Kicanas, Jonas, 1943, Vilnius, acoustic trauma.

Kiecius, Saulius, 1974, Vilnius, acoustic trauma.
 Kiliene, Elena (f), 1924, Vilnius, acoustic trauma.
 Kinsky, Vytautas, 1957, Kupiskis district, acoustic trauma.
 Kirdeikiene, Janina (f), 1960, Siauliai, n/a.
 Kirkutis, Romualdas, 1968, Vilnius, acoustic trauma.
 Kirsnauskas, Vidmantas, 1959, Panevezys district, head wound.
 Kirulis, Satsys, 1943, Vilnius, acoustic trauma.
 Kiziliauskas, 1968, Vilnius, acoustic trauma.
 Klariene, Eugande (f), 1962, Vilnius, acoustic trauma.
 Kledariene, Jadvyga (f), 1935, Kedainiai, shattered knee cap.
 Klickauskas, Alvydas, 1963, Vilnius, bullet wound.
 Kluseviciene, Valerija (f), 1940, Vilnius, acoustic trauma.
 Knyviene, Daina (f), 1965, Vilnius, acoustic trauma.
 Kondrotas, Rimantas, 1960, Vilnius, acoustic trauma.
 Kostautas, Stasys, 1950, Kedainiai, head wound.
 Krievys, Antanas, 1942, Vilnius, acoustic trauma.
 Krevas, Jonas, 1931, Vilnius, acoustic trauma.
 Kudablene, Marijona (f), 1930, Vilnius, acoustic trauma.
 Kukenis, Ricardas, 1962, Kupiskis, concussion.
 Kulkys, Vytautas, 1945, Kaunas, acoustic trauma.
 Kupey, Pranas, 1961, Vilnius, acoustic trauma.
 Kunkish, Stasys, 1949, Vilnius, n/a.
 Kuncinene, Milda (f), 1941, Vilnius, acoustic trauma.
 Kuralavicius, Arvydas, 1953, Vilnius, acoustic trauma.
 Kurliukas, Egidijus, 1967, Vilnius, lacerations to the hand.
 Kurmis, Vytautas, 1961, Kupiskis, chest contusions.
 Kutailyte, Ingrida (f) 1968, Jonava, lower leg fracture.
 Kuzlaitis, Romualdas, 1968, Vilnius, acoustic trauma.
 Kusnys, Eugenijus, 1954, Marijampole, n/a.
 Kuzuliene, Danute (f), 1951, Vilnius, acoustic trauma.
 Kvaraciejute, Maryte (f), 1952, Vilnius, acoustic trauma.
 Kvedara, P., 1939, Vilnius, acoustic trauma.
 Kvedaravicius, Algimantas, 1942, Vilnius, acoustic trauma.
 Lakutenaitė, Audrone (f), 1970, Vilnius, n/a.
 Landsbergiene, E. (f), 1935, Vilnius, n/a.
 Lankevicius, — Vilnius, n/a.
 Lankewicute, Giedre (f), 1970, Vilnius, n/a.
 Lancys, Vytautas, 1943, Vilnius, n/a.
 Lapienis, Petras, 1949, Kedainiai, kidney lacerations.
 Lapinskas, Saulius, 1969, Vilnius, n/a.
 Laranskas, Laimonas, 1969, Vilnius, acoustic trauma.
 Larcenko, Danute (f), 1941, Vilnius, acoustic trauma.
 Lasionis, Ramunas, 1969, Vilnius, acoustic trauma.
 Laurelis, Virgilijus, 1928, Vilnius, acoustic trauma.
 Laurinaviciute, Giedre (f), 1921, Vilnius, acoustic trauma.
 Lazakevicius, Gintaras, 1955, Vilnius, n/a.
 Lazauskas, V., 1914, Vilnius, n/a.
 Lasinis, A., 1944, Vilnius, n/a.
 Laskys, Regimantas, 1922, Vilnius, acoustic trauma.

Lazinskas, Ricardas, 1973, Vilnius, shoulder wounds.
 Lekaite, Ausra (f), 1970, Vilnius, acoustic trauma.
 Leleiva, Gediminas, 1960, Vilnius, acoustic trauma.
 Lilionis, Dainius, 1973, Kaunas, acoustic trauma.
 Linkevicius, V., 1954, Vilnius, n/a.
 Linkeviciute, Regina (f), 1961, Kaunas, bullet wound to the foot.
 Lisicinas, V., 1946, Vilnius, fractured wrist.
 Litvinas, Rimas, 1965, Vilnius, concussion.
 Litviniene, Danute (f), 1951, Vilnius, acoustic trauma.
 Liutvinas, Antanas, 1950, Vilnius, acoustic trauma.
 Lorecas, Rimas, 1952, Vilnius, acoustic trauma.
 Lukosevicius, Zydrunas, 1973, Kedainiai, bullet wound to the calf.
 Lukosiute, Aurika, 1972, Vilnius, acoustic trauma.
 Luksiene, Irena (f), 1942, Vilnius, acoustic trauma.
 Luksys, Vytautas, 1972, Vilnius, head wound.
 Lynkas, Helmutas, 1964, Kaunas, acoustic trauma.
 Lelys, Pranas, 1935, Kaunas, acoustic trauma.
 Maciulevicius, Vidas, 1966, Vilnius, bullet wounds (dead).
 Mackevicius, Jurgis, 1934, Vilnius, head wounds.
 Maknys, Arvydas, 1962, Vilnius, acoustic trauma.
 Maknys, Kestutis, 1970, Vilnius, acoustic trauma.
 Makutinas, Vytautas, 1925, Kupiskis district, head wound.
 Malinauskas, Kostas, 1942, Vilnius, acoustic trauma.
 Malinauskiene, L. (f), 1962, Vilnius, acoustic trauma.
 Malunavicius, Algimantas, n/a, Vilnius, concussion.
 Maminskas, Jonas, 1933, Vilnius, acoustic trauma.
 Marcinkevicius, Raimondas, 1955, Kupiskis, hand and chest wounds.
 Marcun, Vaclova (f), 1938, Vilnius, acoustic trauma.
 Margeviciute, Lina (f), 1972, Vilnius, acoustic trauma.
 Markauskas, Genadijus, 1959, Vilnius, acoustic trauma.
 Markevicius, Juozas, 1944, Vilnius, acoustic trauma.
 Markoviene, Valerija (f), 1953, Vilnius, acoustic trauma.
 Markovsky, Romualdas, 1947, Vilnius, upper arm fracture.
 Martinka, Gintaras, 1965, Kupiskis, acoustic trauma.
 Martinkus, Robertas, 1944, Vilnius, acoustic trauma.
 Martisauskas, V., 1946, Vilnius, concussion.
 Martishevsky, Bronislav, 1948, Vilnius, fractured forearm.
 Martutailis, Danielius, 1946, Vilnius, acoustic trauma.
 Marys, Edvardas, 1940, Vilnius, acoustic trauma.
 Masevicius, Andrejus, 1969, Vilnius, acoustic trauma.
 Masiokas, Eugenijus, 1965, Kedainiai, bullet wound to the chest.
 Masiulis, Titas, 1962, Kaunas, bullet wounds (dead).
 Masenas, Tadas, 1937, Kaunas, acoustic trauma.
 Maseiniene, Birute (f), 1937, Kaunas, acoustic trauma.

- Matuza, Gediminas, 1956, Vilnius, acoustic trauma.
- Matukaitis, Juozas, 1930, Vilnius, acoustic trauma.
- Matukas, Audrius, 1962, Kaunas, acoustic trauma.
- Matulaitis, Darius, 1966, Lazdijai district, concussion.
- Mazelis, Darius, 1961, Vilnius, acoustic trauma.
- Mazura, Marius, 1970, Vilnius, n/a.
- Macioniene, Irena (f), 1947, Vilnius, acoustic trauma.
- Maciulis, Kestutis, 1955, Vilnius, fractured hand.
- Macenas, Gintaras, 1967, Vilnius, concussion.
- Mazeika, Dainius, 1964, Vilnius, acoustic trauma.
- Mazuolyte, Rasa (f), 1963, Vilnius, acoustic trauma.
- Mecinskas, Mykolas, 1924, Vilnius, acoustic trauma.
- Mellutis, Marius, 1975, Vilnius, acoustic trauma.
- Melle, Igoris, 1967, Vilnius, concussion.
- Mekzenas, Antanas, 1941, Vilnius, acoustic trauma.
- Meskauskas, Jonas, 1944, Vilnius, acoustic trauma.
- Meskutavicius, Juozas, 1952, Vilnius, acoustic trauma.
- Meskenas, S., n/a, Vilnius, n/a.
- Mickevicius, Almantas, 1972, Vilnius, n/a.
- Miezelis, Darius, 1966, Vilnius, retinal damage.
- Mikalajunaite, Kristina (f), 1971, Panevezys district, acoustic trauma.
- Mikas, Stepas, 1957, Vilnius, acoustic trauma.
- Mikel, Aregi, 1940, Moscow (Spanish TV), head wounds.
- Mikna, Romualdas, 1964, Vilnius, acoustic trauma.
- Mikolaitis, Sigitas, 1965, Kupskis, acoustic trauma.
- Mikulskiene, A. (f), 1938, Vilnius, concussion.
- Mikuleniene, Brone (f), 1926, Kaunas, acoustic trauma.
- Mileviciene, Violeta (f), 1951, Kaunas district, acoustic trauma.
- Milevicius, Antanas, 1949, Kaunas district, acoustic trauma.
- Millnavicius, Jonas, 1933, Vilnius, broken ribs.
- Millukstiene, Lilija (f), 1938, Vilnius, acoustic trauma.
- Millius, Gintas, 1966, Vilnius, acoustic trauma.
- Milluviene, Eleonora (f), 1928, Vilnius, acoustic trauma.
- Minius, Gintas, 1966, Vilnius, acoustic trauma.
- Mireckaite, Romute (f), 1961, Vilnius, acoustic trauma.
- Mitkiene, Virginija (f), 1945, Kaunas, acoustic trauma.
- Mitkus, Ignas, 1941, Kaunas, acoustic trauma.
- Mitkute, Erika (f), 1970, Vilnius, concussion.
- Mituzas, Audrius, 1972, Vilnius, acoustic trauma.
- Molnikiene, Gene (f), 1933, Vilnius, acoustic trauma.
- Monkevicius, Jonas, 1942, Vilnius, acoustic trauma.
- Montvidas, Algirdas, 1955, Vilnius, acoustic trauma.
- Montvidiene, Genovaite (f), 1956, Plunge district, n/a.
- Morozovas, Petras, 1955, Vilnius, head wounds.
- Motiejunaite, Milda (f), 1948, Vilnius, acoustic trauma.
- Mulevicius, Vitoldas, 1930, Ukmerge, acoustic trauma.
- Muntrimas, Mindaugas, 1936, Kupiskis, multiple injuries.
- Musauskaite, Sigita (f), 1971, Radviliskis, hand and chest wounds.
- Nailvaikiene, Ramute (f), 1963, Vilnius, acoustic trauma.
- Narijauskas, Povilas, 1974, Vilnius, acoustic trauma.
- Navinskiene, O. (f), 1944, Vilnius, tear gas poisoning.
- Nekrasiene, Liudmila (f), 1957, Vilnius, acoustic trauma.
- Nekrasius, Jonas, 1950, Vilnius, acoustic trauma.
- Nekrosevicius, Algimantas, 1958, Traku Voke, acoustic trauma.
- Nikitaravicius, Jonas, 1950, Vilnius, acoustic trauma.
- Niuklys, Algirdas, 1960, Vilnius, acoustic trauma.
- Norkevicius, Arunas, 1959, Grigiskes, acoustic trauma.
- Norkunas, Adolfas, 1961, Vilnius, acoustic trauma.
- Olsinskas, Rimantas, 1960, Vilnius, bullet wound to the foot.
- Orechovas, Viktoras, n/a, Vilnius, chest contusions.
- Orlauskienė, Vida (f), 1968, Vilnius, acoustic trauma.
- Pabejunas, Dziugas, 1968, Vilnius, acoustic trauma.
- Pacipavicius, Jonas, 1949, Vilnius, acoustic trauma.
- Paladyte, Angele (f), n/a, n/a, n/a.
- Paleviciene, Gene (f), 1942, Vilnius, acoustic trauma.
- Palevicius, P., 1935, Vilnius, acoustic trauma.
- Paleviciute, Nijole (f), 1969, Vilnius, head lacerations.
- Panovas, Darius, 1971, n/a, chest contusions.
- Paukste, Dainius, 1961, Vilnius, acoustic trauma.
- Paulauskas, Algis, 1944, Vilnius, acoustic trauma.
- Paulauskiene, L. (f), 1961, Vilnius, contusions, lacerations.
- Paskauskienė, Aldona (f), 1942, Kaunas, hand and chest contusions.
- Paskeviciene, Jadvyga (f), 1938, Vilnius, acoustic trauma.
- Paskevicius, Algirdas, 1939, Kedainiai, acoustic trauma.
- Pelakyte, Laima (f), 1959, Vilnius, acoustic trauma.
- Petkevicius, Ceslovas, 1931, Vilnius, acoustic trauma.
- Petraitiene, Nijole (f), n/a, Panevezys, elbow contusions.
- Petrauskas, Antanas, 1936, Vilnius, acoustic trauma.
- Petrauskas, Tomas, 1971, Vilnius, chest contusions.
- Petravicius, Antanas, 1949, Kaunas, n/a.
- Petrikas, Gintaras, 1958, Kupiskis district, concussion.
- Petrokiene, Angele (f), 1931, Vilnius, acoustic trauma.
- Petruskevicius, Vytautas, 1934, Vilnius, acoustic trauma.
- Petukas, Gintaras, 1959, n/a, n/a.
- Peciukonis, Vytautas, 1952, Vilnius, acoustic trauma.
- Peciukieniene, Nomeda (f), 1963, Vilnius, n/a.
- Peciulis, Gediminas, 1964, Vilnius, acoustic trauma.
- Pilipavicius, Vytautas, 1973, Vilnius, acoustic trauma.
- Pilkauskas, Sigitas, 1966, Gargzdai, bullet wound to the foot.
- Pilsudskis, Ramunas, 1972, Kedainiai, retinal damage.
- Pinkevicius, Petras, 1927, Vilnius, broken ribs.
- Pladyte, Angele (f), 1942, Vilnius, foot contusions.
- Pleckevicius, Mindaugas, 1923, Vilnius, concussion.
- Pocius, Alfonsas, 1920, Vilnius, acoustic trauma.
- Pocius, Egidijus, 1972, Vilnius, tear gas poisoning.
- Pocius, Vilius, 1954, Vilnius, acoustic trauma.
- Podgornas, Petras, 1949, Kaunas, upper arm contusions.
- Povilaitis, Apolinaras, 1937, Vilnius, bullet wounds, chest (dead).
- Povilenas, Rimas, 1971, Vilnius, acoustic trauma.
- Pozeliene, Birute (f), 1952, Vilnius, acoustic trauma.
- Pozeraite, Ausrine (f), 1970, Vilnius, acoustic trauma.
- Pozeraite, Ramune (f), 1971, Vilnius, acoustic trauma.
- Pranskaitis, Romualdas, 1942, Kaunas, acoustic trauma.
- Prietkiene, Elvyra (f), 1940, Vilnius, acoustic trauma.
- Protosov, Vladimir, 1951, Vilnius, acoustic trauma.
- Puodziunaite, Daiva (f), 1971, Vilnius, fractured wrist.
- Purlys, Mykolas, 1963, Vilnius, acoustic trauma.
- Pusvaskyte, Janina (f), 1931, Vilnius, acoustic trauma.
- Putys, Juozas Vytautas, 1936, Vilnius, acoustic trauma.
- Puzinas, Juozas, 1925, Vilnius, n/a.
- Puzonas, Algis, 1937, Vilnius, concussion.
- Pucius, Stanislovas, 1931, Kaunas, acoustic trauma.
- Radetsky, Yuri, 1954, Vilnius, head wounds, concussion.
- Radzevicius, Rolandas, 1971, Vilnius, bullet wound to the foot.
- Rageleviciene, Grazina (f), 1942, Vilnius, acoustic trauma.
- Ragelevicius, Liudas, 1926, Vilnius, acoustic trauma.
- Ralyte, Rima (f), 1965, Kupiskis, bullet wound to the foot.
- Ramanauskaitė, Daina (f), 1967, Vilnius, acoustic trauma.
- Ramanauskienė, One (f), 1939, Kaunas, acoustic trauma.
- Ramanavicius, Arunas, 1966, Vilnius, multiple injuries.
- Ramaneckas, Gintaras, 1963, Vilnius, bullet wound to the thigh.
- Ramaska, Algis, 1956, Vilnius, acoustic trauma.
- Ramoskis, Antanas, 1933, Vilnius, concussion.
- Rasanoriov, Aleksei, 1965, Leningrad, head contusions.
- Raslanas, J., 1942, Vilnius, contusions, lacerations.
- Ratkeviciene, Galina (f), 1962, Vilnius, acoustic trauma.
- Ratkevicius, Saulius, 1959, Vilnius, acoustic trauma.
- Raulickyte, Ausra, 1970, Vilnius, acoustic trauma.
- Ravaitiene, Elena (f), 1929, Vilnius, acoustic trauma.
- Ravicius, Gintaras, 1963, Kaunas, multiple injuries.
- Rackauskas, Alfredas, 1939, Vilnius, acoustic trauma.

- Rascius, Arturas, 1969, Panevezys, splintered teeth.
- Reinertiene, Albina (f), 1937, Kaunas, torn knee ligaments.
- Riliskis, Kazys, 1945, Vilnius, acoustic trauma.
- Rimasauskas, Vytautas, 1943, Vilnius, n/a.
- Rimkevicius, Mindaugas, 1971, Vilnius, acoustic trauma.
- Rudokaite, J., 1972, Vilnius, acoustic trauma.
- Ruginis, Antanas, 1949, Kaunas, acoustic trauma.
- Sabas, Kestutis Vincentas, 1934, Vilnius, acoustic trauma.
- Sagaitis, Vytautas, 1938, Vilnius, concussion.
- Sakalauskas, Antanas, 1952, Vilnius, bullet wound to the foot.
- Salnik, Vincas, 1939, Vilnius, acoustic trauma.
- Sanovaitis, Gintas, 1965, Vilnius, retinal damage.
- Sateikiene, Emilija (f), 1949, Kupiskis, n/a.
- Sauliene, Rita (f), 1959, Vilnius, acoustic trauma.
- Saulis, Kestutis, 1956, Vilnius, acoustic trauma.
- Saulius, Leonas, 1941, Vilnius, acoustic trauma.
- Sauliunas, Algirdas, 1958, Jonava, acoustic trauma.
- Savickas, Petras, 1947, Kupiskis, bullet wound to the thigh.
- Sefirdaite, Ruta (f), 1949, Kaunas, head contusions.
- Shamkin, Andrei, 1965, Vilnius, bullet wound to the thigh.
- Shatskikh, Viktor, 1970, Pskov, bullet wound, back (dead).
- Shovje, Sidzhea, 1957, Moscow (Spanish TV), head contusions.
- Shukyorov, Faniul, 1950, Vilnius, acoustic trauma.
- Shulsky, N., 1975, Vilnius, head contusions.
- Sidoravicius, Jonas, 1937, Vilnius, head contusions.
- Simokaityte, Nijole (f), 1955, Kaunas, bullet wound to the mouth.
- Sinkevicius, Jonas, 1937, Vilnius, contusions to the waist area.
- Sinkevicius, Vytas, 1956, Kaunas district, shock.
- Sipas, Linas, 1968, Vilnius, acoustic trauma.
- Skabeikiene, Daiva (f), 1963, Vilnius, acoustic trauma.
- Skaukauskienė, Danute (f), 1941, Vilnius, acoustic trauma.
- Skukauskas, Gintaras, 1963, Vilnius, hand and chest contusions.
- Skuodiene, Laima (f), n/a, Kaunas, acoustic trauma.
- Skucas, Sarunas, 1971, Vilnius, acoustic trauma.
- Slavinskaite, Loreta (f), 1971, Vilnius, acoustic trauma.
- Slusnys, Zigmars, 1959, Vilnius, concussion.
- Smaigys, Vidmantas, 1961, Vilnius, acoustic trauma.
- Sparnauskas, Algimantas, n/a, Kaunas, acoustic trauma.
- Spruogis, Rimantas, 1962, Vilnius, acoustic trauma.
- Stagniunas, Elmuntas, 1950, Vilnius, acoustic trauma.
- Satsiuniene, Antanina (f), 1934, Vilnius, acoustic trauma.
- Stalgys, Algimantas, 1956, Vilnius, acoustic trauma.
- Staneviciene, Terese (f), 1952, Vilnius, acoustic trauma.
- Stanulis, Algimantas, 1936, Vilnius, acoustic trauma.
- Stankauskas, Virginijus, 1964, Kupiskis, foot and hand contusions.
- Stankevicius, Arunas, 1974, Vilnius, acoustic trauma.
- Stankevicius, Juozas, 1934, Vilnius, bullet wound to the chest.
- Stankevicius, Stasys, 1934, Kaunas, heel contusions.
- Stankus, Antanas, 1953, Silale, head contusions.
- Starkus, Vytautas, 1975, Vilnius, acoustic trauma.
- Stasiulionis, Bronius, 1960, Kaunas, acoustic trauma.
- Stasiunas, Alfonsas, 1942, Vilnius, n/a.
- Stasiunas, Algirdas, 1972, Vilnius, concussion.
- Stasiunas, Vaclovas, 1928, Vilnius, acoustic trauma.
- Stasiuniene, Eugenija (f), 1937, Vilnius district, acoustic trauma.
- Stasiunas, Vaclovas, 1925, Vilnius, acoustic trauma.
- Steikunas, Andrius, 1973, Vilnius, acoustic trauma.
- Steponaitis, Zigmars, 1943, Vilnius, acoustic trauma.
- Steponavicius, Saulius, 1963, Vilnius, concussion.
- Stipinas, A., 1972, Pagiriai, acoustic trauma.
- Stogeivicius, Rolandas, 1970, Vilnius, acoustic trauma.
- Stoskus, Albertas, 1967, Vilnius, acoustic trauma.
- Straukas, Evaldas, 1968, Vilnius, bullet wounds.
- Strikauskas, Antanas, 1938, Vilnius, acoustic trauma.
- Stropus, Evaldas, 1968, Vilnius, n/a.
- Struna, Romualdas, 1951, Vilnius, acoustic trauma.
- Stuknys, Arunas, 1965, Kaunas, chemical facial burns.
- Subac, S., 1972, Vilnius, n/a.
- Subacius, Andrius, 1970, Kaunas, acoustic trauma.
- Suraucius, Jurgis, 1938, Vilnius, acoustic trauma.
- Surinevicius, Romualdas, 1949, Vilnius, acoustic trauma.
- Suziedelis, A.P., 1957, Vilnius, acoustic trauma.
- Svarolavicius, Ricardas, 1974, Vilnius, acoustic trauma.
- Svilas, Bronius, 1936, Vilnius, acoustic trauma.
- Sabalinskas, Giedrius, 1965, Vilnius, acoustic trauma.
- Sakaliene, Maryte (f), 1941, Vilnius, acoustic trauma.
- Saltmeris, Juozas, 1939, Pakruojis district, acoustic trauma.
- Saltmeris, Vladas, 1940, Vilnius, acoustic trauma.
- Sapaliene, Regina (f), 1953, Vilnius, acoustic trauma.
- Sapoka, A., 1933, Vilnius, acoustic trauma.
- Sapokiene, R., 1953, Vilnius, acoustic trauma.
- Sarakauskas, Zygmantas, n/a, Kaunas, shock.
- Sarakauskienė, Dalia (f), 1958, Kaunas, shock.
- Sateika, Alydas, 1940, Subacius, head wound, concussion.
- Sateika, Valdas, 1974, Subacius, acoustic trauma.
- Sateikiene, Eugenija (f), 1949, Subacius, head wound, concussion.
- Satnagis, Jonas, 1964, Vilnius, acoustic trauma.
- Scerba, Ricardas, 1968, Vilnius, concussion.
- Sciukaite, Leta (f), 1975, Kupiskis, foot and hand contusions.
- Sefer, R., 1958, Vilnius, multiple injuries.
- Seikys, Liudas, 1941, Vilnius, thigh and heel wounds.
- Sereika, Jaunutis, 1958, Vilnius, acoustic trauma.
- Sikas, Algis, 1961, Vilnius, ruptured spleen.
- Sildagyte, Jurate (f), 1973, n/a, n/a.
- Silingas, Vincas, 1938, Vilnius, acoustic trauma.
- Simas, Antanas, 1943, Siauliai, acoustic trauma.
- Simulionis, Ignas, 1973, Vilnius, bullet wound, chest (dead).
- Simulyte, Naste (f), 1973, Vilnius, acoustic trauma.
- Simenas, Vytautas, 1939, Vilnius, bullet wound to the mouth.
- Sipila, Linas, 1974, Vilnius, acoustic trauma.
- Sklenikaite, Danguole (f), 1974, Vilnius, acoustic trauma.
- Slekiene, Valerija (f), 1952, Kaunas, concussion.
- Sor, E.D., 1967, Vilnius, n/a.
- Spokauskienė, Aldona (f), 1944, Vilnius, acoustic trauma.
- Sukaitiene, Sofija (f), 1913, Vilnius, bullet wound to the chest.
- Sukstenis, Arvydas, 1955, Vilnius, acoustic trauma.
- Sukys, Algirdas, 1930, Vilnius, acoustic trauma.
- Sulcas, J., 1969, n/a, n/a.
- Sutkuviene, Vida (f), 1940, Vilnius, acoustic trauma.
- Svedas, Jonas, 1942, Vilnius, acoustic trauma.
- Sveikauskas, Kazimieras, 1943, Vilnius, acoustic trauma.
- Talutis, Ignas, 1948, Vilnius, hand and chest contusions.
- Tamutis, Vytautas, 1925, Vilnius, acoustic trauma.
- Tarasonis, Vytautas, 1925, Vilnius, acoustic trauma.
- Taraskeviciene, Irena (f), 1932, Kaunas, head wound, concussion.
- Tautkus, Jonas, 1970, Vilnius, bullet wound, head (dead).
- Tautkute, Egle (f), 1967, Vilnius, acoustic trauma.
- Tekutis, Valius, 1948, Kedainiai, bullet wound to the foot.
- Tikhonova, Erika (f), 1970, Jonava, acoustic trauma.
- Tomkevicius, Juozas, 1944, Vilnius, chemical eye damage.
- Truska, Liudas, 1937, Vilnius, head wound.
- Truciliauskaite, Loreta (f), 1966, Vilnius, fractured upper arm.
- Tumas, Gintaras, 1968, Silute district, n/a.
- Tumas, Gintaras, 1966, Panevezys district, thigh and calf wounds.
- Tumosa, Saulius, 1967, Vilnius, acoustic trauma.
- Tundorakis, 1957, Vilnius district, concussion.
- Tutkus, Jonas, 1947, Vilnius, acoustic trauma.
- Tvarijonas, Ramunas, 1969, Vilnius, acoustic trauma.
- Ubartas, Virgilijus, 1970, Klaipeda, broken nose.
- Urbanovich, Yuri, 1967, Vilnius, acoustic trauma.
- Urbonas, Raimondas, 1952, Vilnius, acoustic trauma.
- Urbonas, Vaidotas, 1958, Sakiai, acoustic trauma.
- Urbonavicius, Petras, 1927, Vilnius, acoustic trauma.
- Urbonavicius, Vaidotas, 1970, Vilnius, concussion.
- Uzpalyte, Rusanda (f), 1972, Vilnius, acoustic trauma.

Vagonis, Aurimas, 1973, Vilnius, acoustic trauma.

Vaicechovskis, G. 1962, Vilnius, concussion.

Vaicekauskienė, Elena (f), 1937, Vilnius, acoustic trauma.

Vaičiukas, Algis, 1961, Vilnius, bullet wound to the thigh.

Vaikutyte, Grazina (f), 1972, Vilnius, acoustic trauma.

Vaitaitis, Algirdas, 1960, Vilnius, acoustic trauma.

Vaitkevicius, Alfredas, 1955, Vilnius, acoustic trauma.

Vaitkevicius, Robertas, 1956, Vilnius, head contusions.

Vaitkus, Vytautas, 1971, Vilnius, concussion.

Vaitkus, Vytautas, 1943, Vilnius, bullet wound, chest (dead).

Vaitkunas, Raimondas, 1958, Vilnius, acoustic trauma.

Vaitukienė, Joana (f), 1955, Vilnius, acoustic trauma.

Vaicaitis, Vaidotas, 1969, Vilnius, acoustic trauma.

Valantinaviciene, Stanislava (f), 1945, Kaunas, hand wounds.

Valungevicius, Tomas, 1921, Vilnius, acoustic trauma.

Valuskeviciene, Regina (f), 1938, Vilnius, bullet wound to the foot.

Vangelis, Algimantas, 1952, Salcininkai, n/a.

Vanilaitiene, Sofija (f), 1928, Vilnius, n/a.

Varkauskaite, Aurelija (f), 1960, Vilnius, acoustic trauma.

Varkauskas, Feliksas, 1923, Vilnius, acoustic trauma.

Vasiliauskas, Audrius, 1967, Vilnius, acoustic trauma.

Vasiliauskas, Petras, 1946, Vilnius, eye damage.

Vasiliauskas, Vladas, 1945, Vilnius, acoustic trauma.

Vasiliauskienė, Bornadeta (f), 1950, Vilnius, acoustic trauma.

Vaskelis, Arnoldas, 1968, Vilnius, acoustic trauma.

Velicka, Gintas, 1968, Druskininkai, acoustic trauma.

Velickienė, B., 1956, Svencionys, n/a.

Verkelyte, Emilija (f), 1935, Vilnius, acoustic trauma.

Vilbrikas, Virginijus, 1964, Vilnius, acoustic trauma.

Vilkaitis, Romas, 1941, Vilnius, acoustic trauma.

Vilkisius, Kestutis, 1967, Vilnius, acoustic trauma.

Viltrakis, Arunas, 1961, Vilnius district, acoustic trauma.

Viluckis, Adomas, 1946, Vilnius, concussion.

Vinkeviciene, Nijole (f), 1937, Vilnius, acoustic trauma.

Virsacaite, Grazina (f), 1972, Vilnius, acoustic trauma.

Vitkeviciute, Grazina (f), 1949, Vilnius, acoustic trauma.

Visomirskis, Robertas, 1963, Vilnius, acoustic trauma.

Volynecas, Andrejus, 1972, Vilnius, acoustic trauma.

Vosilius, Vytautas, 1962, Vilnius, acoustic trauma.

Vytas, Arunas, 1965, Kaunas, acoustic trauma.

Vysniauskas, Paulius, 1978, Vilnius, acoustic trauma.

Vebra, Ernestas, 1932, Kaunas, head lacerations.

Velyvis, Stasys, 1938, Vilnius, tear gas poisoning.

Ycas, Vilnius, 1943, Vilnius, acoustic trauma.

Yezevich, Marius, 1941, n/a, torn ligaments.

Zabarauskas, Aleksandras, 1938, Vilnius, acoustic trauma.

Zapulis, Stanislovas, 1939, Vilnius, acoustic trauma.

Zagorskas, Edvardas Algis, 1945, Kedainiai, acoustic trauma.

Zagorskas, Rolandas, 1968, Vilnius, acoustic trauma.

Zagorskas, Valdas, 1963, Vilnius, acoustic trauma.

Zagurskas, Edvardas, 1945, Kaunas, acoustic trauma.

Zaliskas, Algimantas, 1942, Vilnius, acoustic trauma.

Zakarevicius, Mindaugas, 1969, Vilnius, acoustic trauma.

Zaliauskas, Stasys, 1964, Vilnius, acoustic trauma.

Zilunas, Giedrius, 1963, Vilnius, head contusions.

Zubauskas, Albinas, 1945, Vilnius, acoustic trauma.

Zubenko, Mikhail, 1953, Vilnius, hand and chest contusions.

Zujus, Gintaras, 1969, Kaunas, concussion.

Zvicaviciene, Janina (f), 1951, Vilnius, acoustic trauma.

Zalgevecius, Zilvinas, 1971, Vilnius, concussion.

Zemaitis, Valentinas, 1952, Panevezys, acoustic trauma.

Ziaunys, Jonas, 1923, Panevezys, pelvic fracture.

Zilaitis, Virginijus, 1962, Vilnius, shock.

Zilionis, Dainius, 1973, Kaunas, acoustic trauma.

Ziupsnys, Steponas, 1945, Vilnius, acoustic trauma.

Zizyte, Rugile (f), 1973, Vilnius, acoustic trauma.

Zostautas, Vidas, 1966, Vilnius, acoustic trauma.

Zukauskas, A., 1939, Vilnius, acoustic trauma.

Zukauskas, Julius, 1948, Vilnius, acoustic trauma.

Zukauskienė, Janina (f), 1937, Vilnius, acoustic trauma.

Zukiene, Aldona (f), 1945, Vilnius, acoustic trauma.

Zukiene, Ruta (f), 1947, Vilnius, acoustic trauma.

Zvybas, Albertas, 1947, Vilnius, acoustic trauma.

Zygas, Gintautas, 1953, Vilnius, acoustic trauma.

DEPARTMENT OF STATISTICS UNDER THE CABINET OF MINISTERS OF THE REPUBLIC OF LITHUANIA

VILNIUS, March 29, 1991.

To: Vytautas Landsbergis, President, Supreme Council, Republic of Lithuania.

In compliance with the resolution of the Government of the Republic, the Department of Statistics has obtained from enterprises, organizations, offices and farms data about the damages sustained by them and citizens due to the attack of the army of occupation. The losses suffered by the economy and the citizens of the Republic are evidenced by the following data:

DAMAGES CAUSED TO THE ECONOMY OF THE REPUBLIC BY THE ARMY OF OCCUPATION IN JANUARY—FEBRUARY 1991

Kind of damage	Rubles in thousands	Of the total damage (in percentage)
Total amount of damage	74,917,000	100
Net value of the destroyed (occupied) property (minus depreciation)	69,292,300	92.5

DAMAGES CAUSED TO THE ECONOMY OF THE REPUBLIC BY THE ARMY OF OCCUPATION IN JANUARY—FEBRUARY 1991—Continued

Kind of damage	Rubles in thousands	Of the total damage (in percentage)
Costs of repair (rebuilding) of damaged property	672,100	.9
Lost financial resources and securities (seized, destroyed)	30,800	.04
Losses in production, construction and services	2,718,000	3.6
Destroyed (seized), damaged equipment, resources, raw materials	2,335,400	3.1
Due to security of vital buildings against the invasion of the army of occupation	382,600	.5
Losses in profit	512,200	.8
Due to destroyed (seized), damaged equipment, resources, raw materials	415,100	.6
Due to security of vital buildings against the invasion of the army of occupation	97,000	.2
Compensations, benefits for forcible loss of jobs	159,600	.2
Damages due to injuries sustained by the population	1,061,4
Expenses for security of vital buildings against the invasion of the army of occupation	470,600	.5

The largest share of losses—74,34,200 rubles (99.2 percent of the total sum of losses) has been sustained by towns, and 576,800 rubles (0.8 percent) by districts. Vilnius has suffered most of all: its losses amount 74,176,300 rubles. The losses of Kaunas amount to 44,300 rubles, losses of Panevezys—36,000 rubles, Siauliai—20,000 rubles, of Alytus—1,700 rubles, of Marijampolė—61,900 rubles. Among the districts, the losses of Silutė district amount to 116,200 rubles, of the Kaunas district—98,200 rubles, of the Kelmė district—37,300 rubles, of the Kedainiai district—36,400 rubles.

Owing to the actions of the army of occupation the heaviest damage has been done to telecommunications: losses amount to 48,303,100 rubles—64.5 percent of the total sum of losses. Out of this sum 45,715,700 rubles worth of damage has been done to Lithuanian Radio and Television. The greatest damage has been done to the television film depository (21,665,000 ruble loss) and the technical centre (186,661,300 ruble loss). The losses of industrial firms amount to 95,500 rubles, of construction organizations—426,100 rubles, transport companies—335,800 rubles, farms—198,900 rubles, other branches of economy—25,557,600 rubles.

V. JANKAUSKAS,
Director General.

[Supreme Council of the Republic of Lithuania, Bureau of Information]

JANUARY 25, 1991.

BULLETIN: LITHUANIAN PARLIAMENT PRESIDENT REACTS TO NIGHT'S SHOOTINGS AND NABBINGS BY THE SOVIET MILITARY IN LITHUANIA

After last night's shootings and abductions of people by the Soviet military (details in releases No. 072 and No. 073), President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, told the Bureau of Information that the "Vilnius garrison is becoming a mob of bandits."

"Possibly the aim is to force us to ask for assistance from the Ministry of the Interior of the USSR, as was the strategy used both in Georgia and Moldova," Mr. Landsbergis continued. "A similar case was that of Lat-

via, when Latvian Supreme Council President Anatolijs Gorbunovs asked for the assistance of Minister of Internal Affairs Pugo. Then it turns out that we are asking for their help, and Moscow comes to the rescue to save its children."

"If they are not being released because they are employees of the Parliament," said the Lithuanian Parliament President, "then they are being treated as prisoners of war."

The Lithuanian Government has tried to reach military officers at the "North Town" military base, where the Lithuanians are being held constantly throughout the night, to no avail. Either no one answers, or lower-ranking soldiers refuse to connect the Government with their officers.

This morning Mr. Landsbergis finally got through to Vilnius garrison head General Uschopchik. When the Parliament President expressed protest that people are being held at the military base, as well as being beaten, General Uschopchik denied that there was any form of maltreatment, even though foreign correspondents in the room, who have been since released, are witnesses to the beatings. In the shuffle of the release of the foreign correspondents, belongings which were taken by the military were returned in frazzled heaps, among them were some pieces of identification and belongings of the people still being retained at the military base. Upon their release the correspondents gave these things over to the Parliament Bureau of Information, and they are now in the possession of the Procurator General of the Republic of Lithuania.

Mr. Landsbergis also demanded to know where the people being held at the military base are at present, and that they be released immediately. Mr. Uschopchik said that they are "where they should be, are undergoing interrogation, and will be released when they are ready." The Parliament President also warned the General that one of the Parliament Security employees is a diabetic and may need medical attention, and that he should "stop telling fairy tales". The General asserted that the Lithuanian Parliament Security shot at the soldiers first. The only employee of the Parliament who was armed was the driver of the first car, which was taking Parliament Security funds from Vilnius to Kaunas. A car with two other Security personnel had observed the shooting, and stated firmly that no gunfire came from the automobile with the Parliament Security employees.

Mr. Landsbergis also contacted Assistant to the USSR General Staff in Moscow, General Bronislav Omelichev, and described the situation. General Omelichev asserted that no such events could have taken place, that soldiers would not fire for no reason. He stated that he would take Mr. Landsbergis's information into account and check."

City Procurator Donatas Sodeika informed Supreme Council President Vytautas Landsbergis that a criminal lawsuit has been brought against the military in Vilnius, based on the article called "banditry."

[Supreme Council of the Republic of Lithuania, Bureau of Information]

JANUARY 25, 1991.

BULLETIN: THE SITUATION IN THE VILNIUS GARRISON IS GETTING OUT OF CONTROL

President of the Supreme Council of the Republic of Lithuania received a Protest today from the Commander of the Vilnius Garrison, General-Major V. Uschopchik. In the Protest he claims that the Lithuanian Police is not carrying out its duties in guaranteeing the public order and security. Al-

though he does not mention the facts of "detaining and disarming the employees of the Ministry of Interior" (see release No. 061). As a result of that, he warns, "the situation in the Vilnius Garrison is getting more and more out of control."

[Supreme Council of the Republic of Lithuania, Bureau of Information]

JANUARY 28, 1991.

BULLETIN: LITHUANIAN PARLIAMENT PRESIDENT REACTS TO SUMMIT POSTPONEMENT

Supreme Council President Vytautas Landsbergis, in referring to the United States' position that the issue of the Baltic States was not a factor in today's decision to postpone the summit which was to take place in Moscow, said: "I hope that such a formulation will not encourage the Soviet militarists to take new aggressive action, for example, that promised by the Order of Ministers Yazov and Pugo."

In a press conference today U.S. Secretary of State James Baker has been quoted as saying that President Gorbachev is "wrestling with a number of problems" and he is "coping with them to the best of his ability." In reaction to this, Mr. Landsbergis said:

"President Gorbachev has many problems not only in his own country. The problems are made up by actions of his army in other countries—Poland, Lithuania, Latvia and Estonia."

"As for his 'ability' (referring to the above quote by Baker)," Mr. Landsbergis continued, "either it is not large and President Gorbachev is not capable of stopping evil, or else he has enough ability to do evil, and no one is taking his ability away."

[Supreme Council of the Republic of Lithuania, Bureau of Information]

FEBRUARY 7, 1991.

BULLETIN: LITHUANIAN STATEMENT CONCERNING ANNOUNCEMENT OF SOVIET MILITARY MANEUVERS

The following is a statement issued by President of the Supreme Council Vytautas Landsbergis and Prime Minister Gediminas Vagnorius:

With the approach of the universal opinion poll-plebiscite of the population of Lithuania, we declare the impermissible interference of USSR military forces. Leaflets are being dropped from military helicopters, whereby an unknown "citizens' committee" is agitating for nonparticipation in the plebiscite, even though the USSR army deployed on Lithuanian territory has no right to assist such actions of unnamed individuals. The USSR military patrols of Lithuanian cities and roads have yet to be called off, while the start of military maneuvers has been announced for February 10, when the votes will be counted. These and other military actions are impermissible pressure intimidating citizens. A great obstacle for information is the still continuing occupation of the television and radio buildings and press building, for which the army of the USSR Internal Affairs Ministry currently bears complete responsibility. In addition, this occupation is being used for disinformation, agitation of an intimidating nature against the free expression of citizens' will. Television and radio stations of USSR military units deployed in Lithuania are undertaking similar impermissible actions. The goal of all this is to negatively influence the results of the plebiscite. Protesting against such actions of the USSR armed forces, we direct the attention of the General

Procuracy of the Republic of Lithuania as well as international legal organizations to the mentioned actions and suggest that they receive a proper legal evaluation.

[Supreme Council of the Republic of Lithuania, Bureau of Information]

FEBRUARY 8, 1991.

BULLETIN: LITHUANIAN PARLIAMENT PRESIDENT RECEIVES INFORMATION ON MILITARY MANEUVERS

The following is an official letter received by Lithuanian Parliament President Vytautas Landsbergis late last night from the commander of the Baltic military district, General-Colonel F. Kuzmin:

I inform you that in the territories of Latvia, Lithuania and Estonia, from February 10 to 20, team-staff instruction according to the soldier preparatory plan of the Baltic military district will take place in areas, with the participation of soldiers.

Chief of the District Staff, General-Lieutenant Chaus Piotr Grigorjevich, has been delegated head of instruction.

[Supreme Council of the Republic of Lithuania, Bureau of Information]

FEBRUARY 24, 1991.

BULLETIN: SUPREME COUNCIL PRESIDENT MAKES STATEMENT

The President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, gave a statement to the Bureau of Information today regarding military actions on land for the liberation of the Kuwaiti state. The text is as follows:

We sincerely hope that the liberation of Kuwait will be successful and will not take long to achieve, and that the government of Kuwait will once again control its entire territory, and that no one—neither Iraq nor any one of its supporters—will hesitate in their recognition of Kuwaiti independence.

We also hope that the events in the Persian Gulf will not lessen the significance of events in the "Baltic Gulf" for Europe and the world. The Soviet war against the Baltic States, begun in 1940 and pursued in various different forms up to and including the murderous actions of January 1991, must be brought to an end through the signing of a new Peace Treaty and the full restoration of the independence of Lithuania, Latvia, and Estonia. Democratic nations of the world are acclaimed for their consistent, not two-faced, foreign policy.

[Supreme Council of the Republic of Lithuania, Bureau of Information]

MARCH 3, 1991.

BULLETIN: PARLIAMENT PRESIDENT COMMENTS ON STATEMENT OF U.N. HUMAN RIGHTS COMMISSION CHAIRMAN

On February 26, 1991 the Chairman of the 47th session of the U.N. Commission on Human Rights, Mr. Enrique Bernales Ballesteros, read a statement noting the positive development in the Soviet Union, and expressing concern over the violations of human rights in Latvia and Lithuania in mid January. The Commission on Human Rights "welcomed the announced decision of the Government of the Soviet Union to conduct a thorough investigation of these events and to bring to justice those responsible; noted the readiness of the Government of the Soviet Union to communicate without delay to the Chairman of the Commission the results of this investigation . . ."

The Commission statement was a consensus text communicated to the Chairman by

various delegations, including the USSR, with the agreement that no debate will follow.

The President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, gave his comments on the Human Rights Commission Statement.

"It is unfortunate," said Mr. Landsbergis, "that once again interested parties succeeded in having the issue of the Baltics enveloped in a general statement, without allowing discussion. The same type of statements were heard from the Soviet Government after the tragic events in Tbilisi and Baku," noted Mr. Landsbergis. "As far as I know, not a single person responsible was brought to justice. I conclude that the Commission statement only took the Soviet position into consideration. Then the fact that the Commission statement was one of consensus reaffirms an observation made long ago—that consensus with the Soviets means the Sovietization of politics and policy. In this case the only positive aspect is a promise that has not been fulfilled yet—that those guilty will be brought to justice."

"Since the USSR Government has stated its willingness to communicate the results of an investigation on the events in Lithuania and Latvia," Mr. Landsbergis continued, "we can only hope that the Commission on Human Rights will not forget this promise. It may even be fitting to request a report on the progress of the investigation. The Soviet Government cannot say that it has no foundation for beginning its work, since the independent organization of Soviet military personnel, 'Shield,' has already made its own investigation and has provided a long list of names of who, by its deduction, are directly guilty of the military action taken in mid January," said Mr. Landsbergis.

"With the assistance of international organizations like the United Nations, I believe those killed in Latvia and Lithuania will be remembered not only through emotion, but through justice," he concluded.

[Supreme Council of the Republic of Lithuania, Bureau of Information]

APRIL 9, 1991.

BULLETIN: SOVIET MILITARY AGAINST POSSIBILITY OF NEGOTIATIONS BETWEEN LITHUANIA AND THE USSR

On April 9, 1991 at approximately 9 a.m. another building belonging to the Government of the Republic of Lithuania—automobile driver's school on Plytnes street in Vilnius—was seized. The action was carried out by armed soldiers in camouflage uniforms and bullet proof vests under the command of a Soviet Army Major who refused to identify himself or present his documents. Algimantas Norvilas, a Deputy of the Supreme Council and General Director of the Sport and Technical Association "Vytytis" which supervises the drivers school, vehemently protested to the soldiers but was threatened with a gun and chased away. Employees also left the school which is presently occupied by the Soviet Military.

The President of the Supreme Council, Vytautas Landsbergis, gave his comments on the event:

"We will soon find out the gravity and the dimension of this provocation from the reaction of the Government of the USSR. If an order for the soldiers to immediately withdraw will not be given from Moscow, we will consider this the start of a new escalation of provocative actions against Lithuania. It may be in connection with a planned trip of USSR President Mikhail Gorbachev to Japan, because specifically when he is absent

or supposedly unaware the greatest blows are carried out. Another possible version—an attempt by the conservative CPSU and Military Forces to torpedo starting negotiations between the USSR and Lithuania. Therefore, either the political leadership of the USSR is being mocked, or else the Leadership itself is being hypocritical. From the point of view of Lithuania it is a new act of Soviet military aggression, a strange response to 'generals' to the attempts of the Lithuanian Government to improve conditions of life for the Soviet soldiers here."

A member of the Lithuanian State Delegation for Negotiations with the USSR, General Director of the National Security Department of the Republic of Lithuania, Audrius Butkevicius, called this action "a response of the military to the protocol adopted during the official meeting of the Delegations of the USSR and Lithuania on April 4, 1991 in Moscow. The following principles, among others, are fixed in this protocol: 'impermissibility of illegal forms of influence on the part of either Party' and 'respect for other universally acknowledged principles of law'."

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I ask unanimous consent that I be able to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. GORE. I thank the Chair.

(The remarks of Mr. GORE pertaining to the introduction of S. 995 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

The Chair recognizes the majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senate Resolution 117 be temporarily laid aside pending the disposition of S. 429; that the Senate proceed to the immediate consideration of S. 429; that the cloture motion that I will now send to the desk be voted on at 6 p.m. on Wednesday, May 8, with the mandatory live quorum being waived; that first-degree

amendments may be filed until 1 p.m. on Wednesday; and that Senator BROWN be recognized to offer a substitute amendment today, modifying the evidentiary standard included in the bill; that for the remainder of today's session action on the bill be limited for debate only; that when the Senate recesses today, it stand in recess until 12 noon on Wednesday, May 8; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 1 p.m. with Senators permitted to speak therein; that the time from 12 noon to 12:45 p.m. be under the control of the Republican leader or his designee; that from 1 p.m. to 3 p.m., and from 4:30 p.m. to 6 p.m. the time be equally divided between Senators METZENBAUM and THURMOND for debate only; and that the Senate stand in recess from 3 p.m. to 4:30 p.m. so that Senators may attend a classified briefing by the Secretary of State; that should cloture be invoked, with the Brown substitute amendment pending, Senator THURMOND be recognized to offer an amendment, and Senator METZENBAUM or his designee be recognized to offer an amendment to the Thurmond amendment.

The PRESIDING OFFICER. Is there objection?

The Chair recognizes the Senator from Colorado.

Mr. BROWN. Mr. President, this has been cleared by the minority. There is no objection.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

CONSUMER PROTECTION AGAINST PRICE-FIXING ACT

The PRESIDING OFFICER. The clerk will now report S. 429.

The legislative clerk read as follows: A bill (S. 429) to amend the Sherman Act regarding retail competition.

The Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 429, a bill to amend the Sherman Act regarding retail competition:

Herb Kohl, D.K. Inouye, J. Lieberman, Carl Levin, Claiborne Pell, Paul

Simon, Alan Cranston, Bob Graham, Chuck Robb, Howard Metzenbaum, Bill Bradley, Tom Harkin, J.J. Exon, Slade Gorton, Warren B. Rudman, Alfonse D'Amato.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is now to be recognized.

AMENDMENT NO. 90

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 90.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as "The Consumer Protection Against Price-Fixing Act of 1991".

SEC. 2. The Congress finds that—

(1) consumer welfare is greatly enhanced by an ability to purchase goods and services at lower prices as a result of vigorous price competition;

(2) vertical price restraints generally have an adverse impact on competition that results in higher consumer prices;

(3) recent court decisions have so narrowly construed the laws against vertical price restraints that consumer welfare has been put in jeopardy; and

(4) It is necessary to enact legislation that protects the interests of consumers in vigorous price competition while recognizing the needs of manufacturers and others to maintain reasonable service, quality and safety standards.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination,

or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service; and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand; or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (C)(i).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser or a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major

cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon."

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

PROGRAM

Mr. MITCHELL. Mr. President and Members of the Senate, it has taken several hours of negotiations by several of the interested parties to reach this agreement on proceeding for the next 24 hours.

So that Senators may fully comprehend what it is we have agreed to: First, the resolution by Senator DOLE regarding export credits to the Soviet Union, Senate Resolution 117, has been temporarily laid aside pending the disposition of S. 429; that is the retail price-fixing bill on which cloture was obtained on the motion to proceed earlier today.

Since the opponents of that legislation made clear that they would not permit consideration of the bill absent the invocation of cloture, a cloture motion has now been filed on the bill itself. A vote on that cloture motion will occur at 6 p.m. tomorrow; that is, a vote on the cloture motion on the bill itself.

Senator BROWN, under the agreement, has been recognized to offer a substitute amendment modifying the evidentiary standard in the bill and that amendment is pending. Under the agreement, that amendment will not be voted on prior to the cloture vote, but it will be the pending business at that time.

If cloture is invoked, the Brown substitute amendment will be pending. At that time, Senator THURMOND will be recognized to offer an amendment and Senator METZENBAUM, or his designee, will then be permitted to offer an amendment to the Thurmond amendment.

So, that is where we stand now. There will, therefore, be no rollcall vote tomorrow prior to 6 p.m. But at 6 p.m. there will be a vote on the motion to invoke cloture on the bill and there may be further action in the Senate thereafter, depending of course on the outcome of that vote.

In any event, the Dole resolution, Senate Resolution 117, which has been now temporarily laid aside pursuant to this agreement, is laid aside only until the disposition of S. 429 at whatever time and by whatever means that occurs. It is my hope that we can complete action on both measures this

week, but that will depend, of course, in part, on the result of the cloture vote tomorrow at 6.

Mr. President, I am momentarily going to yield the floor so that the Senator from Colorado may address his amendment if he chooses to do so, and the distinguished Senator from Ohio may address the amendment or the bill, as he chooses to do so.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). Who seeks recognition?

The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, the amendment that will be in order tomorrow, at least for consideration, will be an amendment that comes from deliberation in the Judiciary Committee. It is one that is meant to address the major concerns brought up about the Metzenbaum-Rudman bill, and they are measures that I believe will ease the concerns of Members of this body.

I think valid concerns were brought up that the bill and the standards were not as clear as they might be. The amendment addresses that and I think straightens those out.

I think a valid concern was brought up with regard to the evidentiary standard required. The amendment makes it clear that the cause of action can only be found because action was taken in dismissing the distributor because he had been involved in a price conspiracy and agreement. It restored the vital element of conspiracy, an agreement for price fixing, to the evidentiary standard. It does a number of other things. But the tone of the amendment is to improve on the standards involved in the bill to make sure that businessmen and women are treated fairly and to make sure also that true cases of price fixing do receive the proper consideration and adjudication by the court.

I believe this perfecting amendment is one that will merit the support of this body; I believe of Senators from both sides. I think it is one that attempts to deal with business people fairly and I believe the result of the bill will be a far more competitive environment, one that will benefit both consumers in this country as well as a competitive environment for our business people.

Mr. President, at this point I will yield to the distinguished Senator from Ohio, who is the sponsor of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, let me rise to commend the Senator from Colorado for his sponsorship of this amendment.

I am frank to say I am not that enthused about the amendment. I cannot say it is something I would have sponsored myself. But I recognize the strength and conviction of the Senator

from Colorado and recognize he has been working in the direction of making the bill a better bill, not an effort to destroy the bill.

I know, as a matter of fact, the Senator from Colorado has put in a lot of time developing this amendment. He is an astute lawyer, a good lawyer, and he has not just looked at it in a summary manner. He has dug into it; he studied the law; he studied case law and he has come forward with this amendment.

I make no bones about it. I think I would have been happier without the amendment. But I believe the Senator is not trying to destroy the bill. It does not destroy the bill. In his opinion, it makes it a better bill. I am not sure I totally agree with that.

But the legislative process is one of give and take. There is not one of us who comes to the floor and knows all the answers of what should be in any particular piece of legislation. Probably some of the greatest legislative matters that have been passed in this body and the House, as well as the Constitution's Bill of Rights, did not just happen because one man or one woman proposed it and everybody stood up and applauded it.

I recognized we have here the efforts of an able, conscientious Member of this body. I feel we can live with the amendment. I feel it will continue to protect the consumers and those who want to buy at a discount. And I think he feels it will provide additional protection for the merchants who will be affected by this bill.

I join the Senator in my concern for the merchants, as well as the consumers. So at an appropriate point, I am prepared to accept the amendment, it being my understanding that the Senator from South Carolina has some reservations. Until such time, of course, there will be no effort to accept it. I commend him for the diligent effort he made in this respect. I am prepared to accept the amendment when and if others in this body see fit to permit me to do this.

Mr. BROWN. I want to thank the distinguished Senator from Ohio for his kind remarks and simply observe that all of us believe in a competitive America. We believe strong competition is what makes this country a winner. I believe with these amendments we have come up with something that will help make America stronger through the competition that has been so helpful to us in the past.

I yield, Mr. President.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEADLINE FOR THE FILING OF FINANCIAL DISCLOSURE REPORTS

Financial disclosure reports required by the Ethics in Government Act of 1978 and Senate Rule 34 must be filed no later than close of business on Wednesday, May 15, 1991. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings. Written acknowledgment will be provided automatically for Senators' reports, and upon request, for staff members. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 14. Advance requests for copies of full sets of 100 Senators' reports are now being accepted by the Public Records Office. Any questions regarding the availability of reports of their purchase should be directed to that office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

TRIBUTE TO SENATOR JOHN HEINZ BY THEODORE E. STEBBINS, JR.

Mr. KENNEDY. Mr. President, many of us were privileged to attend the funeral service in Pittsburgh last month for our colleague and friend, Senator John Heinz, who was killed in a tragic airplane accident on April 4. One of the most eloquent tributes at the service was delivered by Theodore E. Stebbins, Jr., a lifelong friend of Senator Heinz who is the John Moors Cabot Curator of American Paintings at the Museum of Fine Arts in Boston.

In recent weeks, other eloquent tributes at the service for Senator Heinz have been printed in the RECORD. I believe that all Members of the Senate will appreciate the chance to see Dr. Stebbins' remarks as well, and I ask unanimous consent that they may be printed at this point in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO SENATOR JOHN HEINZ BY THEODORE E. STEBBINS, JR., HEINZ MEMORIAL CHAPEL, PITTSBURGH, APRIL 10, 1991

John loved this beautiful place, the Heinz Chapel. I remember the joyous day that he and Teresa were married here, and the sad one just a few years ago when John spoke here at his own father's funeral. He would have been so proud to have heard Chris and Andre and John speak today, at this service, and he would have been pleased and grateful that all of you—inside and outside the chapel—came here to honor him today.

No one can speak for all the friends of John Heinz; we are too many and too varied for that. We are every age and every color;

we are rich and poor; we live in Etna and Oakdale, in Los Angeles and Washington and New York. We knew him, and we loved him, in myriad ways. For his wonderful wife, he was the best, the most caring, the most devoted of husbands. For his mother and for Captain McCauley, for his late father and for Drue, and for millions of older people across the nation, he was the most splendid and compassionate of sons. For Chris and Andre and John, for his youthful staff, and for all the young people whose lives he affected, he was a magnificent father. And for those men and women of his own generation, who knew him at work or play, who battled with him on the tennis court or worked with him in the Senate of the United States, he was the brother we always dreamed of—challenging us to do our best, teaching us, learning from us; always concerned, always loyal, always there when we needed him.

From the time I first knew John in the ninth grade, the essence of the man never changed. The boyish innocence, the honesty, the perseverance, were always there. From the beginning, he had an extraordinary decency about him. Beginning in school, he picked his friends on the basis of their talents and their enthusiasms, not their names or backgrounds. Throughout his life, John didn't know the meaning of the word "snob", and prejudice was absent from his character.

John always relished sports and the outdoors. He skied with grace, he played superb tennis, he loved to fish in the mountain rivers of Idaho, in the chalk streams of Pennsylvania, in the waters around Nantucket. He had an adventurous, joyful spirit; he loved to explore the world, as he did when he rode his motorcycle to Mexico during college, or when he flew his own tiny plane across Africa just after graduation. Equally, he valued exploring with his mind and his senses. He read widely and voraciously; he was so curious, and such a quick study, and he mastered many fields, from the problems of the aging to art history. In everything he did, he drove himself to excellence, and made his own, independent judgments of quality and rightness. He lived life to the fullest; he made use of every hour of every day. He would come home drained from a long day on the road or in the Senate, and within moments he would be entertaining guests, opening wine, completely relaxed and happy with friends and family. John had a wonderful, playful side, particularly with his beloved Teresa. He laughed easily, he enjoyed a funny story, and he loved to phone his friends to relate the latest jokes from the floor of the Senate.

John found his true course after he entered politics. He won his first primary on the basis of his charm and his promise. He won his first congressional election because he plunged into factory lines, spoke at every coffee klatch, and shook every hand from Sharpsburg to McKees Rocks. He won his first Senate campaign with sheer grit and courage, with great stamina and unbelievably long hours of work; he stubbornly refused to accept what seemed like inevitable defeat. And he won the admiration and the love of the people of Pittsburgh, and all Pennsylvania, because he listened to them, because he served them, because he cherished them.

In the words of the Stephen Spender poem: I think continually of those who were truly great—the names of those who—in their lives—fought for life, who wore at their hearts the fire's center.

Born of the Sun, they travelled a short while towards the sun, and left the vivid air signed with their honour."

For me, as for so many of you, Jack was a perfect friend. He had a fundamental belief in the power and the value of friendship, and he worked at his friendships as he worked at everything else, with energy and understanding. If you were thoughtless toward him, he would forgive it; if you were somehow too busy, he would write or phone; if you were grieving, he would comfort you. He was so generous with the truly important circumstances, with his time and his compassion. To be with him was such a pleasure: to do even the most mundane errand together was a joy. His energy, his cheerfulness, his love of life, were contagious. He was always growing, always learning. When he listened to you with that warm, earnest look, you felt a special light shining in your universe. When John first saw you, he would welcome you with his remarkable, luminous smile, and he said goodbye in the same way.

"Yes, all men are dust, but some are dust of gold."

TRIBUTE TO RETIRED COL. JAY ZEAMER, JR.

Mr. LAUTENBERG. Mr. President, I rise today to join the citizens of Orange, NJ, in paying tribute to retired Col. Jay Zeamer, Jr., a distinguished war veteran and recipient of the Congressional Medal of Honor. On May 31, 1991, he will be honored by the Orange Chamber of Commerce for his heroic service to the Nation.

Colonel Zeamer is most deserving of this tribute. He was born in Pennsylvania and at the age of 2, moved to Orange, NJ. It was there that Colonel Zeamer grew into young manhood and where he developed the values and sense of patriotism that spurred him to acts of courage and heroism.

On June 16, 1943, Colonel Zeamer, then a captain in the Air Corps in the U.S. Army, demonstrated his outstanding bravery by volunteering to be a pilot on a bomber airplane. His mission was to pilot the craft in order to photograph the area in the vicinity of Buka, Solomon Islands. The area however, was formidably defended and as his plane mapped out the region his crew observed many enemy fighters on the field and many of them taking off. While aware of the immediate danger, Colonel Zeamer continued on the mapping run as originally ordered. His dedication persisted even as his bomber was being attacked. In the ensuing engagement, Colonel Zeamer sustained gunshot wounds in both arms and legs, one leg being broken.

Despite his severe injuries and loss of blood, Colonel Zeamer was able to maneuver his airplane so skillfully that he was able to fight off the enemy for 40 minutes, destroying at least five hostile airplanes; one of which was shot down by Colonel Zeamer himself. After the courageous air fight, he began to lapse in and out of consciousness. He turned over the controls but continued to exercise command and

successfully continued to direct the flight to a base 580 miles from the scene of the air fight.

To this day retired Colonel Zeamer still lives with the shrapnel that he sustained on that day. He is truly an American hero.

Loved and admired by family, friends, and colleagues, it is an honor to recognize this outstanding individual. I join in extending to retired Colonel Zeamer my heartiest congratulations as he is honored by his hometown of Orange, and my warmest wishes for good health and happiness in the future.

BICENTENNIAL OF THE POLISH CONSTITUTION

Mr. KERRY. Mr. President, last Friday, May 3, marked the bicentennial of the Polish Constitution. The Polish Constitution, written a mere 2 years after our own remarkable Constitution was adopted, shares many traits of our own Constitution. Both documents radically reordered the status quo and have served as models for every government which followed. Both were products of the Enlightenment, launched by Copernicus' discovery that the Earth revolved around the Sun. This revelation led to an intellectual flowering which continued into the next century. John Locke and Charles Montesquieu reshaped the theories of proper and effective government by stressing the limited power of the state and the natural rights of man, theories put into practice in both our Constitution and the Polish Constitution.

These cherished documents embodied a radical concept, that government derived its power from the people, that the people are the true monarchs. Each guarantees the freedom of religion, of speech, and of assembly. Their authors recognized the need to create a charter that was flexible enough to adapt to the passage of time. Both documents applied Montesquieu's tenet of division with bicameral legislatures with the power of the purse resting in the lower house. Each has an elaborate set of checks and balances to prevent abuses of power.

These sacred documents capture the potential of mankind and stand as beacons of hopes to all. Now, 200 years after the Polish Constitution was drafted, the dream of its authors are now finally being realized. This struggle for democracy in Poland should stand as a reminder to us all that merely having a document as valuable as our Constitution will not guarantee freedom and democracy. We must jealously guard our liberty; it is a fragile and precious gift from our ancestors, entrusted to us for posterity. We have been given the mandate of freedom. We must foster democracy throughout the world and must oppose nondemocratic forces throughout the world. We must

help the Polish people, and all others who yearn for freedom, realize their goal of a secure democracy. In doing so, we secure liberty and democracy for our own children.

COMMENDING OUR TROOPS IN OPERATION DESERT STORM

Mr. KERRY. Mr. President, I rise today to commend our troops for their valor and their sacrifice in the gulf. In particular, I would like to single out the devotion of the native sons and daughters of Massachusetts, who were represented by units from throughout the Commonwealth and who serve in every branch of our Armed Forces.

The people of Massachusetts are renowned for their willingness to fight for freedom; from Lexington and Concord to the sands of Kuwait, they have willingly risked their lives to defend the unalienable rights of all. Their remains are honored in every local cemetery and in every farflung corner of the world. I would like to place special emphasis on the valor of all the men and women of Massachusetts who sacrificed their lives in the gulf. Our hearts go out to their families whose lives have been shattered by the loss of a loved one.

I am proud to represent these brave men and women who embody the promise of America. They have shown us the greatness of this Nation through their commitment to freedom, honor, and duty. During Operation Desert Storm, just as in earlier conflicts, our troops have displayed what sets America apart from the rest of the world: Our love for freedom, our willingness to defend those who cannot defend themselves, and the remarkable idealism which has secured our position as the defender of freedom and democracy in the world.

I ask my colleagues to reflect on the valor, accomplishment, and professionalism of our troops as they return home.

REMEMBERING JOHN HEINZ

Mr. KERRY. Mr. President, John Heinz shared a great deal with everyone he met. He gave to the Senate, to his constituents, to his country, and especially to his family. I never knew him not to enjoy what he was doing. He had a special zest for life.

He had vigor and youth, youth that remained even after 20 years of service in the Congress. He approached everything with unending youthful energy and enthusiasm.

He had charm, good looks, and a family who adored him, and which he in turn adored.

And yes, he had family wealth and privilege—privilege which he saw only as obligation and responsibility.

John Heinz chose to dedicate and ultimately give his life to serving others.

Sometimes, regrettably, the Senate is characterized as one of the world's most exclusive clubs. But for John Heinz, who could have belonged to practically any club anywhere in the world he wished, it was anything but a club. It was simply a vehicle to help people.

Much has been said about John Heinz's dedication to children, to families, to the elderly, to the unemployed, and the dispossessed. In truth, John was a man who clearly had decided early in life that being given so much, he had the opportunity to give back even more, and he would use that opportunity to be a force for remaking the world into something better than it had been before.

Like Robert Kennedy before him, John Heinz identified with those who had not been given all his advantages, and insisted that a way be found to broaden America's promise to include the dispossessed and those in need.

On the Banking Committee, where we served together, I found John a thoughtful and caring colleague, open to new ideas and determined to find a way to restore integrity to our Nation's financial system. Whether fighting to protect children from having both parents taken from them by war, to supporting arms control measures aimed at making the world safer, John was willing to take risks on behalf of what he believed was right.

John's style, spirit, and commitment will long be remembered here in Washington, at home in Pennsylvania, and in the heart of every person who had the pleasure of sharing part of his graceful life.

At the memorial ceremony at National Cathedral, a close friend of John's, Sam Grossman, captured perhaps better than anyone the essence of John Heinz. With unanimous consent, I include his comments in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE GIVEN BY SAMUEL M. GROSSMAN

We navigated the rugged terrain and edged toward the highest peak—11,000 feet. The bird rose—then flew as we stood and gazed at the horizon.

Unmatched grandeur in every direction.

Just a few days ago, during Easter vacation, we prepared for what was to be one of the truly perfect powder skiing days of our lives and, for the next six hours, we carved tracks in mountains of pure crystal, beyond bright snow. Semi-Senior Citizens—hollering, screaming, laughing like high school kids—with unmitigated joy. Not a cloud standing in attendance, crisp climate and champagne powder bubbling around our faces with every turn. At the end of one spectacular run, Jack smiled his hundred-mile wide smile and said to me, "Sambo—if there's anything better than this—I don't know what it is."

So for almost the past 25 years, as time permitted, Jack and I skied the majestic Monashee Range of the Canadian Rockies—not exactly terrain for the faint of heart. For

Jack—just a walk in the park. We traversed the lovely, rolling back country of the Sawtooths. And just those few days ago, the beautiful Ruby Mountains of Nevada.

There are only a very few who understand the exhilaration, the excitement and the enhancement of this experience. Jack gathered enormous energy from the elements. A few weeks earlier, Teresa was so proud (and I a little jealous) when Jack and Chris together won the Wells Cup—a unique accomplishment considering the decidedly tough competition—I might add Jack beat me by ½ second at which time our 11 year-old son exclaimed "Jack must have had a lousy run, Dad." The last three days of our Easter vacation, Teresa skied better, and enjoyed it more than ever and for the last day, Teresa, Jack, Peggy, and I cruised down Baldy, another one of those special days, attempting to avoid our collective kids who were bombing down the hill at Mach 1, enjoying and laughing and inwardly capturing the beauty of nature in all its shapes and fabulous designs.

Two years ago, Jack and Teresa restored a lovely old English barn into a beautiful home on the Wood River in Sun Valley—A home of warmth and charm and love. A home of quiet dinners by the fire, great wine, wonderful conversation—usually peppered with biting wit, practical jokes and absolute total irreverence. Amid these surroundings—these special moments—Johnny, Andre, Chris, Teresa, and Jack—together—beauty and serenity—the loveliness of a small mountain community where they could see the world through a dazzling prism of authentic imagination.

Jack enjoyed an extraordinary talent—that of totally embracing his friends with complete love and loyalty, bringing them into his extended family. His friends became our friends. Our pals—his pals. So I speak today for them. (tho' their words are far better than mine)—We uniquely share an impenetrable bond. Jack wrapped his arms around us all.

Yesterday was for you, Jack.

Today and tomorrow is for dearest, dearest Teresa and the boys—especially the boys. It's time for them to claim their inheritance.

Johnny, Andre, and Chris—how fortunate you are.

From your Dad comes remarkable courage, compassion, and unmatched strength. And from your Mom, a magnificence of goodness, and depth of soul . . . delicate and giving. Teresa, a classic silhouette of a lady in cameo.

Everytime Jack picked up his tennis racket, cast his fly rod, put on his skis, he rediscovered the Fountain of Youth.

With the qualities of Renaissance, your Dad was the ultimate outdoorsman, a fiercely competitive sportsman, a great and gifted athlete—A true champion.

He was a man to match the majesty of the mountains he so loved.

This is Jack's story.

It is just one of many.

Nothing is missing.

Everything is missing.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,243 day that Terry Anderson has been held captive in Lebanon.

RECOGNITION OF ROBERT A. MOYER, JR., KENTUCKY SMALL BUSINESS PERSON OF THE YEAR

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Robert A. Moyer, Jr., of Ashland, KY, who has been named Kentucky Small Business Person of the Year by the Small Business Administration. He will be honored in Washington along with those other individuals who have been recognized from across the Nation during Small Business Week, May 5 through May 11, 1991.

Robert Moyer is currently president and chief executive officer of RAM Technologies, Inc., a telecommunications company in the Kentucky-Ohio-West Virginia tristate area of Ashland, KY. Utilizing skills he acquired in the U.S. Air Force, he purchased the company for which he had worked for 8 years and led it into the expanding world of telecommunications.

Prompted by changing technologies in the telecommunications industry, Mr. Moyer expanded RAM Technologies from a 1-person shop at startup to 50 employees today. RAM has been on the cutting edge of the industry responding to its customers demands by offering an alternative long distance service, Long Distance Telephone Savers, known locally as LDTS. Mr. Moyer recognized the opportunity to offer long distance service at a lower cost than competitors, and quickly established a market for LDTS.

Long Distance Telephone Savers and other divisions have brought RAM Technologies to annual sales of \$6.5 million. The firm was named to the Inc. 500 fastest growing privately held companies in the United States and the only one from Kentucky last year so named.

Mr. Moyer has also demonstrated strong leadership for the business community and a commitment to the economic growth of the Ashland area. His dedication clearly transcended his interest in the development of his own business. Robert Moyer serves on the board of directors of the area's Economic Development Corp., donates generously to the Paramount Arts program and heads the Leukemia Society's 1991 Annual Celebrity Waiters' Luncheon. He was also named by the General Electric Co. advisory board for its mobile communications division.

Mr. President, Robert Moyer's leadership, dedication, integrity, and innovation have made him a role model for small business persons across my State. In being named Kentucky Small Business Person of the Year, I believe he now can be recognized as a fine example for aspiring entrepreneurs nationwide.

Although it has been said many times, it is still quite true that small business is the backbone of our economy. And with the efforts of individ-

uals like Robert A. Moyer, Jr., this will continue to be the case in my State for some time into the future.

As we continue Small Business Week, I rise to recognize and congratulate Robert Moyer and the other State Small Business Persons of the Year for their distinguished achievements.

POULTRY CREDIT GUARANTEES FOR SOVIET TRADE

Mr. FOWLER. Mr. President, I rise today to support the request to extend additional agricultural credit guarantees to the Soviet Union. They have asked for another \$1.5 billion on top of the \$1 billion approved in the original Jackson-Vanik waiver.

As we all know, they are desperate for the food. The political situation there is very uncertain. We are rightly quite dubious of the actions and intentions of the Soviet Central Government. But the simple and unquestioned fact that the people need the food in the worst way seems to transcend other political questions right now.

We do have an important and long-term stake in the future of the Soviet Union. We want more stability in their reforms. We want to see those reforms move ahead in a more orderly process. Right now the very real food shortages in the Soviet Union are unlikely to bring anything constructive to change in that country.

If the administration finds that this credit extension is within its purview of administering the Commodity Credit Corporation programs in our national interests, if we come to an agreement, I would urge the President to fashion a package that fairly represents all U.S. products.

I have a very serious concern that in \$1 billion in credits already extended only \$25 million of that has been for poultry products.

That is an oversight that must be corrected. There is great demand for these products in the Soviet Union. The Soviets have been buying an average of more than 12,000 metric tons of frozen chicken products monthly since 1989. Soviet buyers have signed a frame agreement to purchase a total of 200,000 metric tons of United States poultry products in 1991.

Those transactions cannot take place if the credit is not made available for them. The Soviets have asked for 200 million dollars worth of poultry products to meet immediate needs. Given this background, I think the poultry industry has made a very reasonable request in asking that a minimum of \$50 million, in any additional credits extended, be allocated for their products.

It only makes good business sense to sell the Soviets what they want. The administration has so far preferred to sell grain almost exclusively. There is nothing wrong with selling them grain,

but we need a more balanced package, that includes more poultry, pork, beef, and other U.S. export products.

In fact, it is better for our own economy if we do so. Poultry has more value added than grain. When we sell poultry we are stimulating more jobs in production, processing, and distribution. It is also worth pointing out that those chickens are fed grain, so a healthy poultry industry helps support a healthy grain industry. Most important for the Soviets, these value-added products are easily converted for immediate use by the consumer allowing them to fulfill more rapidly the nutritional needs of their countrymen.

So, Mr. President, if we are going to expand agricultural sales to the Soviet Union, let's not sacrifice established export markets. Let's develop a package that fairly represents all U.S. producers.

I ask unanimous consent to have printed in the RECORD the text of a telex message from Alexander Krivenko, president of the U.S.S.R. foreign trade firm VVO Prodintorg to Simon Chilewich, president of Chilewich International Corp., White Plains, NY. Chilewich is an international trading company involved in agricultural trade with the Soviet Union for over 60 years and has handled all United States poultry sales to date to the Soviet Union.

This telex makes the point that our poultry trade with the Soviets will be terminated at the end of this month unless credit is available. It also illustrates the want and need of the Soviets to purchase United States poultry products.

There being no objection, the text of the telex is ordered to be printed in the RECORD, as follows:

Dear Sirs: As you are well aware, our current poultry program covered under the GSM guarantee program will be completed by the end of May. In order for us to continue the purchase of these food products, further credit will be required. In addition to leg quarters being an excellent nutritional value, they are a product very well known by Soviet consumers and positively identified with United States.

We urge you to do everything possible to increase our line of credit under GSM so that we can continue this program which we feel is beneficial to both the U.S.A. poultry and feedgrains industries as well as an important step in meeting the urgent needs of the Soviet consumer.

Regards,
President of VVO Prodintorg A.K. Krivenko.

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT—PM 47

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying

report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)), I transmit herewith the Annual Report of the National Endowment for the Arts for Fiscal Year 1990.

GEORGE BUSH.

THE WHITE HOUSE, May 7, 1991.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SASSER, from the Committee on the Budget, unfavorably without amendment:

S.J. Res. 137: Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Con. Res. 26: Concurrent resolution calling for the United States to support a new agreement among the Antarctic Treaty Consultative Parties which would provide comprehensive environmental protection of Antarctica and would prohibit indefinitely commercial mineral development and related activities in Antarctica.

By Mr. BURDICK, from the Committee on Environment and Public Works:

Special Report on the Activities of the Committee on Environment and Public Works for the One Hundred First Congress (Rept. No. 102-55).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

William G. Curran, of New York, to be U.S. Director of the European Bank for Reconstruction and Development;

Ann Brown Sloan, of New York, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 1996;

Henry E. Catto, of Texas, to be Director of the U.S. Information Agency;

Robert B. Zoellick, of the District of Columbia, to be Under Secretary of State for Economic and Agricultural Affairs;

Robert B. Zoellick, of the District of Columbia, to be U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term of 5 years; U.S. Alternate Governor of the African Development Bank for a term of 5 years; U.S. Alternate Governor of the African Development Fund; and U.S. Alternate Governor of the Asian Development Bank, Richard Thomas McCormack; and to be U.S. Alternate Governor of the European Bank for Reconstruction and Development. (New Position)

David Floyd Lambertson, of Kansas, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of

the United States of America to the Kingdom of Thailand.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: David Lambertson.

Post: Bangkok.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, \$20.00, 10/3/90, Harvey Gantt, N.

3. Children and spouses names Jennifer Hall, David Hall (Elizabeth, W.), Dan Hall, none.

4. Parents names Alonzo and Ruth Lambertson, none.

5. Grandparents names (deceased), none.

6. Brothers and spouses names Bill and Nancy Lambertson, Giles and Linda Lambertson, none.

7. Sisters and spouses names Floy and Peter Shaeffer, none.

EX. K, 88-1. The Convention Concerning the Abolition of Forced Labor (Exec. Rept. No. 102-7).

TEXT OF RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Concerning the Abolition of Forced Labor (Convention No. 105), adopted by the International Labor Conference at its 40th Session, Geneva, June 25, 1957, subject to the following understandings:

1. The United States understands the meaning and scope of Convention No. 105, having taken into account the conclusions and practice of the Committee of Experts on the Application of Conventions and Recommendations existing prior to ratification, which conclusions and practice, in any event, are not legally binding on the United States and have no force and effect on courts in the United States; and

2. The United States understands that Convention No. 105 does not limit the contempt powers of courts under Federal and State law.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM:

S. 987. A bill to amend the Home Owners' Loan Act to improve the qualified thrift lender test, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG:

S. 988. A bill to authorize the promulgation of a model building code to enhance recycling, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. KASSEBAUM:

S. 989. A bill entitled the "Cavalry Forts of the Old West: The Historic Kansas Frontier Forts Study Act of 1991; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 990. A bill to authorize appropriations for railroad relocation and demonstration program; to the Committee on Environment and Public Works.

By Mr. DIXON:

S. 991. A bill to extend the effective period of a production incentive certificate; to the Committee on Finance.

By Mr. REID:

S. 992. A bill to provide for the reimbursement of certain travel and relocation expenses under title 5, United States Code, for Jane E. Denne of Henderson, Nevada; to the Committee on Governmental Affairs.

By Mr. CRANSTON (by request):

S. 993. A bill to amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities; to the Committee on Veterans Affairs.

By Mr. MCCAIN:

S. 994. A bill entitled the "Veterans Hospice Benefit Act of 1991"; to the Committee on Veterans Affairs.

By Mr. GORE:

S. 995. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for working families by providing a refundable credit in lieu of the deduction for personal exemptions for children and by increasing the earned income credit, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS:

S. 996. A bill to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KASTEN:

S. 997. A bill to impose duties on golf carts imported from South Korea equal to the duties and taxes imposed by South Korea on golf carts manufactured in the United States; to the Committee on Finance.

By Mr. SHELBY (for himself, Mr. KASTEN, Mr. DOMENICI, and Mr. HATCH):

S. 998. A bill to prohibit the Appraisal Subcommittee of the Federal Financial Institutions Examination Council from requiring or recommending the inclusion of an experience requirement in a State's procedures for the licensing of real estate appraisers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself and Mr. DURENBERGER):

S. 999. A bill to authorize a Federal program to promote the development and implementation of Intelligent Vehicle-Highway Systems; to the Committee on Environment and Public Works.

By Ms. MIKULSKI:

S. 1000. A bill to ensure that the recommendations of the Commission on the Consolidation and Conversion of Defense Research and Development Laboratories are available for consideration before any action is taken to close or realign Department of Defense laboratories pursuant to the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

S. 1001. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Relations.

By Mr. THURMOND:

S.J. Res. 139. Joint resolution to designate October 1991, as "National Lock-In-Safety Month"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. DECONCINI, Mr. GLENN, Mr. INOUE, Mr. COCHRAN, and Mr. ROBB):

S.J. Res. 140. Joint resolution to designate the week of July 27 through August 2, 1991, as "National Invent America! Week"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. MURKOWSKI, Mr. INOUE, Mr. CONRAD, Mr. SHELBY, Mr. STEVENS, and Mr. HOLLINGS):

S.J. Res. 141. Joint resolution to designate the week beginning July 21, 1991, as "Korean

War Veterans Remembrance Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S. Res. 120. Resolution to commend the Kansas State University Debate Team; considered and agreed to.

By Mr. DECONCINI:

S. Res. 121. Resolution supporting the breakthrough for peace in Angola, and for other purposes; to the Committee on Foreign Relations.

By Mr. D'AMATO:

S. Con. Res. 34. Concurrent resolution authorizing the 1991 Special Olympic Torch Relay to be run through the Capital Grounds; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM:

S. 987. A bill to amend the Home Owners' Loan Act to improve the qualified thrift lender test, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

QUALIFIED THRIFT LENDER TEST ACT

• Mrs. KASSEBAUM. Mr. President, I rise today to introduce legislation to adjust the new qualified thrift lender [QTL] test which will go into effect on July 1. Failure of a thrift to comply with the new QTL test will result in significant and substantial restrictions.

This bill will not change the requirement that 70-percent of the qualified thrift's assets be invested in housing-related investments. Rather, this bill would adjust the component parts of the 70-percent test. Specifically, this bill would increase liquidity from 10 to 20 percent; allow counting of Federal Home Loan Bank, Federal Home Loan Mortgage Corporation, and Federal National Mortgage Association stock, and increase consumer lending by 5 percent. The proposal would also replace the daily calculations required under the new QTL test with a monthly calculation.

An identical bill has been introduced in the House by Congressman RICHARD BAKER. It is my hope the measures can be included in the recapitalization package that is expected to be on the Senate floor before the July 1 effective date. •

By Mr. LAUTENBERG:

S. 988. A bill to authorize the promulgation of a model building code to enhance recycling, and for other purposes; to the Committee on Environment and Public Works.

THE RECYCLING BUILDING CODE ACT OF 1991

• Mr. LAUTENBERG. Mr. President, I rise to introduce the Recycling Build-

ing Code Act of 1991. The bill would require the Environmental Protection Agency to develop model construction standards providing suitable space for the separation, collection, and temporary storage of recycled materials in new multiunit and multifamily office and residential buildings.

As a nation, we are generating more trash than ever before. Because of our imposing national waste crisis, recycling has become an integral part of waste management programs across the Nation. But while many communities are beginning recycling programs, most local building codes do not currently make provisions for recycling systems in multiunit and multifamily buildings.

Every multiunit or multifamily building constructed today is expected to last well into the 21st century. Most of these buildings will have internal waste management systems that address the needs and priorities of the 1950's. They have designs that made sense when their purpose was to remove garbage from a building as efficiently as possible. However, these designs, with their undersized garbage rooms and their single-chute garbage disposal systems, become serious impediments to the implementation of high-rise source separation and multimaterial recycling programs. By continuing to design and build outdated waste disposal systems in these buildings, developers are creating a lasting barrier to the widespread implementation of recycling programs.

Recycling programs have enormous potential in multiunit and multifamily buildings. Because these buildings generate a large volume of recyclable material in a small amount of space, it is possible to recycle in an efficient and profitable manner. In urban areas, materials such as paper accumulate quickly in large office buildings and apartment complexes. Collection can be far more efficient than in geographically extended curbside collection.

Unfortunately, unique obstacles confront recycling in office and residential multiunit buildings when recycling systems are not considered in the initial building design. Because the collection of recycling materials requires more space than does normal trash collection, many efforts to implement recycling programs are hindered by a lack of adequate space. Lack of collection space in these buildings can make it impossible to recycle bulk recyclables, can limit the types of materials that can be collected, and can make large-scale programs unprofitable.

Without some basic building design characteristics, recycling in multiunit and multifamily buildings may prove unworkable. Multiunit buildings must have adequate space for the storage and handling of recyclable materials which is in proximity to a loading dock

or trash area that is easily accessed by a scrap dealer. Sprinklers must be installed near paper storage areas to reduce fire threats. In multiple story buildings recyclables must somehow get from the top to the bottom. Buildings such as rest homes or apartment complexes, with their characteristic long narrow hallways, must have space for collection containers that do not interfere with fire exits or fire regulations.

That's why this is so important. It begins the process of planning ahead. It will require the EPA to develop model construction standards with the assistance of organizations involved in establishing national building construction standards. The EPA will then work to ensure that authorities which regulate building construction within States and localities adopt the Agency's model standards.

This bill would be particularly valuable for new Federal buildings. Although it has been mandatory since April 1976, that Federal facilities with more than 100 office workers separate high-grade paper from other wastes for recycling, a GAO report released in December of 1989 showed that very few Federal agencies are actually recycling. The report pointed to the lack of adequate storage space as one of the problems impeding compliance. This bill would require that all new Federal buildings and public housing comply with the EPA standards. Because of the design changes, recycling will be more profitable and more feasible in these new buildings.

This bill has been endorsed by the National Recycling Coalition, which represents organizations implementing recycling programs throughout the Nation. The bill responds to a resolution adopted by the coalition this past December.

The coalition's support is not surprising. State and local governments are recognizing the problem of recycling in buildings. Santa Monica, Minnesota, and Wisconsin have already changed their building codes for multitenant residences and offices for this reason. The Santa Monica ordinance requires an on-site recycling space standard for all new residential and commercial buildings. Residential buildings of over 10 units are required to have 100 square feet for the first 10 units and 5 square feet for each additional unit while commercial buildings over 10,000 square feet are required to have 100 square feet. The State of Minnesota has recently amended the State building code to require suitable space for the separation, collection, and temporary storage of recyclable materials within new or significantly modeled buildings, and has a task force that is presently developing standards for this suitable space requirement.

Mr. President, if we want to make strides toward mitigating our present

solid waste disposal problems, we must plan ahead. Buildings built today with outdated waste disposal systems will impede our progress in recycling tomorrow. This legislation will help ensure that we construct buildings with recycling in mind.

I urge my colleagues to support this legislation. I ask unanimous consent that a copy of the bill, a letter of support from the National Recycling Coalition, and the coalition's resolution on recycling in buildings be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 988

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this act may be cited as the Recycling Building Code Act of 1991.

SEC. 2. FINDINGS

The Congress finds and declares that—

(1) Communities are establishing recycling programs to manage their solid waste which recognize the need to include materials generated multi-family and multi-unit buildings.

(2) Residences, office, retail, and institutional multi-family and multi-unit buildings pose unique obstacles in the implementation of and compliance with local recycling efforts in densely populated urban areas including but not limited to issues of storage space, access, enforcement and education.

(3) Most local building codes do not currently make provisions for recycling systems.

(4) The Federal Government should foster efforts to revise building codes to provide for recycling and should play a leadership role in implementing such building codes.

SEC. 3. RECYCLING BUILDING CODE

Subtitle D of the Solid Waste Disposal Act is amended by adding the following new section.

"Sec. 4011. RECYCLING BUILDING CODE.—

"(a) MODEL CONSTRUCTION STANDARD.—(1) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Housing and Urban Development, shall develop model construction standards providing suitable space for the separation, collection and temporary storage of material for recycling in new building construction and major renovation of multi-family and commercial developments.

"(2) Such standards shall be consistent with the safety, health, and well-being of building occupants and shall provide for recycling as an integral component of the building's waste management systems.

"(3) To the maximum extent possible, these standards should be developed with the assistance of organizations involved in establishing national building construction standards and with authorities which regulate building construction within states or political subdivisions within states.

"(4) The Administrator shall make a draft of the document containing the model standards available for public review and comment. The Administrator shall make final model standards and techniques available to the public within two years of the enactment of this act.

"(5) The Administrator shall work to ensure that organizations responsible for developing national model building codes, and au-

thorities which regulate building construction within States or political subdivisions within States, adopt the Agency's model standards.

"(b) Federal Buildings.—The head of each Federal agency shall adopt such procedures as may be necessary to assure that the construction of any new Federal building or any new building built with federal financial assistance meets or exceeds the requirements of the recycling construction standards promulgated under subsection (a).

"(c) Public Housing.—Effective three years after the enactment of this section, the Secretary of Housing and Urban Development shall adopt such procedures as may be necessary to assure that any newly constructed public housing units meets or exceeds the requirements of the recycling construction standards promulgated under subsection (a).

"(d) Construction of Provisions As Not Prohibiting More Stringent State or Local Requirements.—Nothing in this title shall be construed or interpreted as preempting a State or Locality from establishing any liability or more stringent requirements with respect to construction standards for recycling.

NATIONAL RECYCLING COALITION, INC.,
Washington, DC, April 9, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: The National Recycling Coalition is pleased to learn of your interest in the subject of a model building code which can enhance community recycling efforts. In 1990, our Board of Directors adopted a Policy Resolution calling for enactment of new building codes consistent with local recycling programs. The language of "The Recycling Building Code Act of 1991" embraces in proposed legislation an important solution to the problem NRC's Policy Resolution addresses.

NRC's membership consists of the people on the front line in implementing recycling programs at the city, county, state, national and international levels. In areas with high density real estate development, whether it be homes, stores, institutions or offices, our members are challenged to find workable approaches for recycling programs based on collection of separated recyclables. It will be a great aid in achieving our ever-increasing recycling goals if we can act now to create building codes that allow for improved access and storage in high-density structures.

NRC agrees with your approach: federal legislation on this subject should not be overly specific. Local materials markets, waste generation patterns, collection providers (public vs. private), and collection materials and services will vary.

We are enclosing a number of recent reports that detail both the promise and the obstacles associated with recycling in high-density structures. We think these reports demonstrate the need for the proposed legislation. Lack of storage space is continually identified as an obstacle, whether the would-be recyclers are located in a federal office building, an urban apartment building or a college dormitory. The barrier to greater participation is storage.

Two subject that are not directly considered in the bill are 1) existing structures and 2) current pro-recycling building codes. While we recognize that making the transition to a more recycling-friendly accommodation in an existing building poses different issues than designing for the future, NRC would be pleased to work with building

owner associations and the engineering and architectural community to achieve agreement on what improvements can be achieved when renovating.

Since the purpose of the legislation is to aid recycling, we anticipate that you would be receptive to the idea of adding legislative language that would allow governmental units to adopt codes with an even more positive effect on recycling than the model developed federally. That is, the federal model code would not preempt a more recycling-oriented local code.

We strongly encourage you to go forward with legislation addressing the need for new building codes that enhance recycling. The Recycling Advisory Council (Sponsored by the Environmental Protection Agency and administered by NRC) and various other solid waste advisory boards are considering the need for building code revisions to promote recycling.

Again, thank you for your recognition of the importance of building codes to recycling.

Sincerely,

DEBRA R. LEVIN,
Chairman, NRC Policy Committee.

NRC RESOLUTION ON BUILDING CODES AND RECYCLING PROVISIONS

Whereas, recycling is increasingly becoming an integral component of the nation's waste management system; and

Whereas, communities are particularly affected by the waste disposal crisis; and

Whereas, many communities have enacted or are considering the enactment of recycling programs to help offset their disposal crisis; and

Whereas, residences, commercial (public & private) and institutional multi-family & multi-unit buildings pose unique obstacles in the implementation of and compliance with local recycling efforts in densely populated urban areas including but not limited to issues of storage space, access, enforcement and education; and

Whereas, most local building codes do not currently make provisions for recycling systems;

Now, therefore be it resolved, that it is the policy of the National Recycling Coalition that municipal governments should direct and assist their Building Departments to develop codes and guidelines for the implementation of recycling programs that are consistent with the safety, health and well-being of the building's residents;

Be it further resolved, that local building codes should require new building construction and major renovations to explicitly provide for recycling systems as an integral component of the building's waste management system; and

Be it further resolved, that specific building codes be developed jointly by the appropriate agencies administering local recycling programs and by all other pertinent local agencies to ensure that specific requirements of building codes are consistent with local recycling programs and maintain the highest standards of health and safety of building residents in their implementation; and

Be it further resolved, that the national Uniform Building Code should be modified to conform with these considerations.●

By Mrs. KASSEBAUM:

S. 989. A bill to authorize the study of eight frontier cavalry forts in Kansas; to the Committee on Energy and Natural Resources.

THE HISTORIC KANSAS FRONTIER FORTS STUDY
ACT OF 1991

• Mrs. KASSEBAUM. Mr. President, I rise today to introduce legislation that will guide us in preserving a vital link between our Nation's present and its past. Cavalry Forts of the Old West: The Historic Kansas Forts Study Act of 1991 would authorize the study of eight frontier cavalry forts in Kansas—forts that are integral parts of the history of the Old West.

During the 19th century, the Army operated nearly 20 forts in Kansas. These outposts assisted pioneers as the Nation's frontier pushed westward. Some provided support for the military during the Mexican War and the Civil War. Many were occupied by the most famous figures of the Old West, including Generals Philip Sheridan, Winfield Scott Hancock, and George Custer; scouts Wild Bill Hickock and Buffalo Bill Cody; and Indian Chiefs Satanta, Black Kettle, and Dull Knife.

The Buffalo Soldiers, those African-American regiments formed in the wake of the Civil War, used many of these forts as bases. Countless other soldiers, whose names are lost in history but whose day-to-day experiences are fundamental parts of the American past, fought heat, drought, and boredom at these outposts on the lonely Great Plains. It is a legacy that deserves preservation.

Today, there is great disparity among the conditions of these forts. Harsh weather, coupled with neglect, has reduced some to existing only in history books. The sod walls of Fort Jewell, for example, long ago melted back into the prairie. At the other extreme lie Fort Riley and Fort Leavenworth, which remain active military posts.

Fortunately, several of these frontier forts have been preserved through a variety of local, State and national initiatives. Buildings from Fort Hays have become part of Fort Hays State University. The remains of Fort Dodge now form part of the State soldiers' home. Fort Larned and Fort Scott are national historic sites. The guardhouse at Fort Harker is a museum.

Kansas is fortunate so many of its historic forts have been preserved. But our frontier heritage is not those old buildings themselves—it is the story they tell. I believe we should make every reasonable effort to make that story accessible, coherent, and poignant to as many Americans as possible.

History does not occur as snippets, but as a continuum. However, I believe that too often we have preserved fragments of our history without any unifying theme. The result is a disjointed picture of our past, which can be confusing and almost certainly fails to bring historical periods into sharp focus.

That is why I believe we should conduct a study of the historic frontier

cavalry forts. These properties are national assets, and it is important that we ensure not only their proper preservation but their proper historic interpretation of our frontier past.

During the days of the frontier, these forts did not exist in isolation. They were part of the network of military installations stretching throughout the West, joined by a web of little-known military trails. Yet today, we too often are preserving them in isolation. Taken alone, the histories of each of these forts are merely a collection of local stories. But taken in aggregate, they form the story of the American West. I believe that story constitutes a compelling national interest in comprehensive preservation of these frontier forts.

This bill would direct the Secretary of the Interior to conduct a 1-year study of these cavalry forts. The study would determine how best to collectively preserve these historic properties, as well as how best to proceed with efforts to communicate their common role in the overall story of our 19th century frontier history.

This study would focus on eight important frontier cavalry forts. These eight forts encompass much of the history of the Old West on the Great Plains:

Fort Dodge served to protect travelers on the Santa Fe Trail. It occupied a key location at the intersection of the overland and river routes of the Santa Fe Trail and between two points where Indians frequently crossed the Arkansas River. It was occupied from 1865 until 1882.

Fort Hays guarded employees of the Kansas Pacific Railway as it reached westward. This fort recently received national attention in the Academy Award winning film "Dances with Wolves." Those of you who saw the movie will recall that Kevin Costner was assigned to Fort Hays at the end of the Civil War but was quickly banished to a lone outpost on the plains by a degraded and vindictive general. It was active from 1865 until 1889.

Fort Harker initially offered protection to frontier settlements and later protected construction crews of the Kansas Pacific Railway. In 1867, the fort hosted a 3-day peace conference attended by the leading chiefs and warriors of most of the Great Plains tribes, army generals, and top railroad officials. Unfortunately, the conference did not end the hostilities. The original fort guardhouse still stands where the great chief Satanta was once held. It should be noted that Satanta was not held too long at the fort. He somehow managed to escape by removing two of the steel bars covering the guardhouse window. As a tribute to Satanta, the bars, to this day, have never been replaced.

Fort Larned was one of a series of forts built to protect the Santa Fe

Trail. In addition, it served for several years as the agency for the Cheyenne and Arapaho Indians. In 1868, the U.S. Superintendent of Indian Affairs met at the fort with Indian Agent E. W. Wyncoop to confer about the terms of the historic Treaty of Medicine Lodge. It was active from 1859 until 1878.

Fort Wallace was the center of the hostilities between the native Indians and the U.S. Army in the mid-1860's. The vivid descriptions of the battles which took place there were published in Harper's Weekly and focused the Nation's attention on the conflict. The fort served as host to the 7th Cavalry and the 5th Cavalry.

Fort Scott was designed to protect the military road between Fort Gibson, OK, and Fort Leavenworth. For several years, this road marked the westernmost limits of the United States. The fort was used by the dragoons in the Mexican War, played an active role in the Civil War, as well as the frontier cavalry expeditions that followed.

Fort Riley served as headquarters of the 7th Cavalry and later as the headquarters of the Army's horse cavalry until it was dismantled on the eve of World War II.

Fort Leavenworth, which is the oldest post established by the United States west of the Mississippi River, was the general depot from which all supplies were sent to other frontier military forts.

I believe there is growing interest in the history of the Old West—the true history, not merely the caricatures so prevalent in popular culture. Renewed interest in the Old West has brought sharp increases in the number of visitors not only from other States but from other nations as well. Most of these visitors are interested in the frontier heritage of the Great Plains, and I believe we can develop that heritage by unifying the fragments of history we have preserved.

State efforts already are underway. Local efforts are underway. But I believe protecting and highlighting these relics of our past can best be accomplished through cooperative efforts of National, State, and local governments, as well as private citizens. Many caring people, devoted to the cultural heritage of the Great Plains, already have the vision and desire to build an historic network. This study would provide them a blueprint.

Mr. President, I ask unanimous consent that the text of the bill be entered at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cavalry Forts of the Old West: The Historic Kansas Frontier Forts Study Act of 1991."

SEC. 2. FINDINGS.

The Congress finds that—

(1) Many of the historic frontier cavalry forts in Kansas have been preserved to various degrees through private, state, and federal initiatives and are now national treasures; and

(2) These historic frontier cavalry forts should not be viewed as isolated treasures but, rather, as a comprehensive network of military installations which collectively tell the history, folklore, legend, controversies, hardships, and turmoil associated with the Old West; and

(3) In light of the vast potential these historic frontier cavalry forts collectively present in terms of providing a better and more accurate interpretation and understanding regarding the American frontier and the Old West, it is necessary to determine, through a comprehensive study, the appropriate means to restore and interpret these sites not only individually but also as a collective and coherent historical network.

SEC. 3. STUDY AND REPORT BY THE BUREAU OF LAND MANAGEMENT AND THE NATIONAL PARK SERVICE.

(a) **STUDY.**—The Secretary of the Interior, acting through the director of the National Park Service, shall conduct a study of the following historic frontier cavalry forts in the State of Kansas:

- (1) Fort Dodge;
- (2) Fort Harker;
- (3) Fort Hays;
- (4) Fort Larned;
- (5) Fort Leavenworth;
- (6) Fort Riley;
- (7) Fort Scott;
- (8) Fort Wallace.

(b) **REPORT.**—Not later than one year from the date that funds are made available for the study referred to in subsection (a), the Secretary shall transmit the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(c) **STUDY CONTENT.**—The study shall develop alternative means of collectively preserving and interpreting the forts referred to in subsection (a) including—

- (1) The study of restoring or recreating damaged or lost historic period properties on the fort sites;
- (2) The feasibility of establishing collective tours which may encompass common themes and link appropriate sites;
- (3) The study of related historic properties, accessible to the public that could also contribute or better link the sites and common themes; and
- (4) Such other information as the Secretary may deem necessary.

SEC. 4. APPROPRIATION AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

By Mr. LUGAR:

S. 990. A bill to authorize appropriations for a railroad relocation and demonstration program; to the Committee on Environment and Public Works.

RAILROAD RELOCATION AND DEMONSTRATION ACT

● Mr. LUGAR. Mr. President, today I am pleased to introduce legislation to reauthorize the Railroad Relocation

Demonstration Program. First authorized in the Federal Aid Highway Act of 1973, this program was created to eliminate particularly dangerous rail-highway grade crossings in 19 cities across the United States.

Many American communities originally developed around early rail corridors. As communities grew, these rail corridors often became liabilities, hindering vehicular traffic, stymieing the delivery of goods, obstructing emergency vehicles, and in too many instances, causing death and injury.

Of the original 19 projects, many have been completed and only four remain active today. These projects are located in the communities of Lafayette, IN; Brownsville, TX; Augusta, GA; and Springfield, IL.

In Lafayette, significant portions of the Lafayette Railroad Relocation Project are under construction at this time. Phase one of the project is completed, phase two is under construction and phase 3 and 4 are soon to begin construction. Only phase 5 remains. Upon completion, this project will eliminate 24 rail/highway grade crossings which have killed and injured a number of my constituents over the years. One only has to drive down Fifth Street and confront an Amtrak locomotive head-on to realize the importance of completing this project.

The legislation I have introduced will simply extend the existing program, which expires on September 30, for an additional 5-year period with no changes in its structure or authorization levels.

Mr. President, I ask unanimous consent that the full text of my legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR RAILROAD RELOCATION AND DEMONSTRATION PROGRAM.

(a) **IN GENERAL.**—Section 163(p) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended by striking out "\$15,000,000 for the fiscal year ending June 30, 1974" and all that follows through "and 1991," and inserting in lieu thereof "\$15,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect October 1, 1991.●

By Mr. DIXON:

S. 991. A bill to extend the effective period of a production incentive certificate; to the Committee on Finance.

EXTENSION OF THE EXPIRATION DATE ON A PRODUCTION INCENTIVE CERTIFICATE

Mr. DIXON. Mr. President, this is a very simple bill. It merely assists a small Illinois company which was severely damaged during Hurricane Hugo. Because of damage sustained

from Hurricane Hugo, Hampden Watch Co. was unable to use their certificate exempting them from duties on certain watch parts.

These production incentive certificates are designed to encourage American businesses to set up operations in the U.S. Virgin Islands and to offset the cost of doing this by exempting them from certain duties.

According to the International Trade Administration [ITA], which implements the program, Hampden Watch Co. was issued a production incentive certificate for 1989. However, because of damage sustained from Hurricane Hugo, Hampden Watch Co. failed to use that certificate. The certificate was worth approximately \$130,000.

I realize this is a small amount, but it is vital to this small Illinois company. Hampden cannot continue operations without the small amount provided for in the production incentive certificates. The funds had already been budgeted by the ITA to be used by Hampden. Hampden simply was unable to use it, because of damage sustained by Hurricane Hugo.

Hampden's contributions to the development of the U.S. Virgin Islands since its establishment there is a record to be noted and appreciated both by the insular and Federal governments. According to Hampden, they account for 10 percent of the watch industry employment in the U.S. Virgin Islands.

The International Trade Administration has the authority to issue these certificates and has been very helpful in this matter. Unfortunately, the ITA has not been granted the administrative discretion to extend the expiration date in case of a natural disaster.

This bill simply allows Hampden to receive the duty exemption that was granted to them. I think we have a good case for extending the expiration date in these special circumstances. The bill would do this on a one time only basis. This extension simply allows Hampden to make use of the certificate as both the Government and the company intended.

Mr. President, this is a meritorious bill. I urge its adoption by the Senate.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF PRODUCTION INCENTIVE CERTIFICATE.

The production incentive certificate, number PIC-EV-89, issued jointly by the Secretary of Commerce and the Secretary of the Interior to the Hampden Watch Company, Inc., pursuant to paragraph (h)(1)(B) of Additional U.S. Note 5 to Chapter 91 of the Harmonized Tariff Schedule of the United States

(19 U.S.C. 3007) (formerly paragraph (h)(i)(II) of headnote 6 of schedule 7, part 2, subpart E of the Tariff Schedules of the United States), shall be deemed to have been reissued on November 1, 1991, in the amount of its balance remaining on that date, and shall expire on October 31, 1992.

By Mr. REID:

S. 992. A bill to provide for the reimbursement of certain travel and relocation expenses under title 5, United States Code, for Jane E. Denne, of Henderson, NV; to the Committee on Governmental Affairs.

REIMBURSEMENT FOR JANE E. DENNE, OF HENDERSON, NV

• Mr. REID. Mr. President, I rise today in order to introduce legislation to offer relief to my fellow Nevadan, Ms. Jane E. Denne. In 1986 Ms. Denne moved from Lawrence, KS, to Las Vegas, NV, at the behest of the Environmental Protection Agency. Today, almost 5 years later, she still waits to be reimbursed for that relocation. The U.S. Government owes her in excess of \$5,000.

Mr. President, when Ms. Denne was living in Kansas, the EPA offered her a position in Las Vegas, NV. The EPA was trying to fill a manpower shortage position in the silver state and asked Ms. Denne to consider the appointment.

In weighing this offer, Ms. Denne was advised by EPA personnel that she would be reimbursed in full for her travel and moving expenses. This misinformation was reiterated in the travel authorization that the EPA issued to her.

Mr. President, Ms. Denne accepted the appointment. She moved to Nevada with the understanding and with the expectation that she would be reimbursed in full for her move.

After applying for reimbursement, however, the EPA discovered a serious error: The travel authorization contained erroneous information. The Agency learned that it was not—in contradiction to what Ms. Denne had been advised—authorized to reimburse her in full for her travel and travel-related expenses. Thus, because she unknowingly accepted the false claims made by the EPA, she was left to foot a bill in excess of \$5,000.

I would like to underscore, Mr. President, that Ms. Denne accepted the manpower shortage position and made the move to Nevada in good faith that the Agency's claims were legitimate. It is my feeling that the expenses were such that, had she known that she was not entitled to reimbursement, Ms. Denne may not have accepted that position.

Nor should it be overlooked that Ms. Denne has sought a resolution to this grievance for almost 5 years. The Comptroller General of the U.S. Government has recognized the unjust nature of this situation. The Comptroller General cannot, however, remedy this

situation without the help of Congress; according to current law, the Comptroller General may not permit this reimbursement.

The Comptroller General has appealed to this body for help, recommending that the Congress enact legislation to correct this injustice. I would like, at this time, Mr. President, to submit the letter written by the Comptroller General for the RECORD.

I urge you, Mr. President, to take speedy action on this legislation. Ms. Denne has acted in good faith, and now we should act in good conscience. Let my colleagues and I relieve Ms. Denne of this undeserved debt.

At this time, I would ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of sections 5724 and 5724a of title 5, United States Code, Jane E. Denne of Henderson, Nevada is deemed to be an employee transferred by the Environmental Protection Agency from one official station to another for permanent duty in the interest of the Government without a break in service for travel by such employee from Lawrence, Kansas to Las Vegas, Nevada in December 1986.

By Mr. CRANSTON:

S. 993. A bill to amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

CHILD CARE CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 993, a bill to amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities. The Secretary of Veterans Affairs submitted this legislation by letter dated April 12, 1991, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 12, 1991, transmittal letter and the enclosed analysis of the proposed bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 4209(c) is amended as follows:

(a) by amending paragraph (2) to read as follows:

"(2) may convert space furnished under clause (1) of this subsection for use as the child care center without reimbursement;"

(b) by inserting after paragraph (2) the following:

"(3) may provide, on a reimbursable basis, other items necessary for the operation of the center, including furniture, office machines and equipment, and telephone service, except that the Secretary may furnish basic telephone service and surplus furniture and equipment without reimbursement;"

(c) by redesignating paragraphs (3), (4), and (5) as (4), (5), and (6), respectively.

ANALYSIS OF BILL

The draft bill would amend section 4209 of title 38, which authorizes VA to establish, under the Veterans Canteen Service, child care centers at VA medical centers. It would specifically amend subsection (c) to authorize medical centers to convert space at their facility for child care purposes without requiring reimbursement for the cost of conversion from the Veterans Canteen Service. This provision would cost an estimated \$1.2 million a year for a 5-year cost of \$6 million.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, April 2, 1991.

HON. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT, There is transmitted herewith, a draft bill "To amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities." We request that it be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would facilitate efforts to establish child care centers at VA medical facilities. The availability of child care services at our medical centers is important, particularly in recruiting and retaining qualified medical personnel. Congress provided the Secretary with authority in Public Law No. 100-322 to establish child care centers at VA facilities through the Veterans Canteen Service. This law directs VA to provide the Veterans Canteen Service with existing space in VA facilities for use as child care centers and to give those centers custodial support, utilities, and certain services and amenities needed for the children's health and safety.

VA facilities may also pay the costs of converting the space into a child care center, but the Canteen Service must reimburse the facility for the cost of the conversion. This reimbursement may not be repaid over a multi-year period. This would be a heavy financial burden because it may take a long time for the Canteen Service to recoup this expense from the revenues it receives in providing child care. As a result, the Canteen

Service's ability to establish child care centers would be severely limited.

This proposal would help alleviate this problem by permitting medical centers to pay for the conversion costs without requiring Canteen Service reimbursement. Permitting medical centers to fund these conversions would greatly enhance VA's ability to establish child care centers.

VA estimates that the cost of conversions would be between \$50,000 and \$400,000 per center if they are to meet the State and local child care standards, as required by law. Based on the renovation of ten VA facilities per year, we estimate the cost of this provision to be \$1.2 million a year, for a five-year estimated cost of \$6 million.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.

By Mr. MCCAIN:

S. 994. A bill to establish a hospice care pilot program for terminally ill veterans; to the Committee on Veterans' Affairs.

VETERANS HOSPICE CARE BENEFIT ACT OF 1991

• Mr. MCCAIN. Mr. President, I rise today to introduce the Veterans Hospice Care Benefit Act of 1991. This is the companion to legislation introduced in the House on May 3, by Congressman DORGAN.

This legislation would establish a hospice care pilot program for terminally ill veterans. The Veterans' Administration will be given the authority to establish a hospice care pilot program consisting of at least 30 pilot projects throughout the country for the purpose of making hospice benefits available to terminally ill veterans. The benefit would be provided through a contractual relationship between the VA and existing Medicare certified hospice providers.

Hospice care is a critical benefit for the terminally ill. It is unfortunate when a veteran is diagnosed with a terminal illness. It is more unfortunate, however, when he or she does not have the option of receiving care in their final days at home, surrounded by loved ones in familiar surroundings. The hospice program has been an invaluable benefit for our Nation's Medicare beneficiaries. Yet, currently, it is not available to those who have sacrificed in service to their country—our Nation's veterans. This bill will change that.

Not only does the hospice program provide patients with a quality alternative to institutionalized care, it does so in a cost effective manner. Institutionally provided care is very expensive—whether it is provided in a private sector, community or veterans facility. What I have found is that people, whenever possible, prefer to receive care at home as opposed to in an institution. This bill would permit the VA to explore whether it would be a good idea to provide our Nation's vet-

erans with the same access to this critical benefit as is provided to Medicare beneficiaries.

Several major veterans organizations—the American Veterans of World War II, Korea and Vietnam, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars have long been calling for the creation of a hospice program in the VA. This legislation will provide the keys to make that dream a reality. I firmly believe that putting a hospice benefit in place for the VA will not only enhance the remaining days of terminally ill veterans and their families, but that the VA system will benefit in the long run. I am confident that this experiment will be a success and that, if this legislation is adopted, we will soon see the VA able to offer all terminally ill veterans a hospice benefit—just as Medicare currently does for its beneficiaries.

In introducing this bill today, I acknowledge that there may be alternative approaches to ensuring that our Nation's veterans have access to hospice care. While I look forward to working with those of my colleagues who also wish to see terminally ill veterans eligible for hospice care, I do believe it is important to begin the discussion and debate. And, it is with that intention that I offer this legislation today. It is time that we start providing our Nation's veterans with access to this critical benefit.

Mr. President, I hope that my colleagues will examine this bill and consider joining in the effort to ensure that our Nation's terminally ill veterans have access to hospice care.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 994

Be it enacted in the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act shall be known as the Veterans Hospice Benefit Act of 1991.

SEC. 2. PILOT PROGRAM OF HOSPICE CARE FOR TERMINALLY ILL VETERANS.

(a) AUTHORITY FOR PROGRAM.—

(1) At not less than 30 Department facilities, the Secretary of Veterans' Affairs (hereafter referred to as the "Secretary") shall conduct a pilot program to provide hospice care to veterans to whom the Secretary is furnishing hospital care or nursing home care under Section 610 or section 620 of title 38, United States Code.

(2) The Secretary shall conduct the program authorized by this section through contracts with entities that are hospice programs for purposes of title XVIII of the Social Security Act and that are non-Department facilities.

(3) In selecting Department facilities for participation in the pilot program authorized by this section, the Secretary shall take

into account the need to provide access to hospice care under the program for veterans receiving hospital care or nursing home care from the Secretary in urban and rural areas and in various geographic regions of the United States.

(b) DURATION OF CARE.—

(1) The Secretary shall provide hospice care to an individual under the program authorized by this section only during two periods of 90 days each, a subsequent period of 30 days, and a subsequent extension period during the individual's lifetime and only, with respect to each such period, if—

(A) the individual makes an election under this paragraph to receive hospice care provided by, or under arrangements made by, a particular hospice program instead of certain other benefits under chapter 17 of title 38, United States Code;

(B) in the case of hospice care provided to an individual—

(i) in the first 90-day period, the Secretary (acting through a physician employed by or under contract to the Secretary) and the medical director (or physician member of the interdisciplinary group described in section 1861(dd)(2)(B) of the Social Security Act) of the hospice program providing (or arranging for) the care each certify that the individual is terminally ill (as defined in subsection (e)(2)),

(ii) in a subsequent 90 or 30 day period, the medical director (or physician member) described in clause (i) recertifies at the beginning of the period that the individual is terminally ill and submits a report to the Secretary on the individual's condition before the expiration of the period, and

(iii) in a subsequent extension period, the medical director (or physician member) described in clause (i) recertifies at the beginning of the period that the individual is terminally ill and submits a report to the Secretary on the individual's condition before the expiration of the period;

(C) a written plan for providing hospice care with respect to the individual has been established (before such care is provided by, or under arrangements made by, that hospice program) and is periodically reviewed by the Secretary and by the medical director (and the interdisciplinary group described in section 1861(dd)(2)(B)) of the hospice program, and

(D) such care is being or was provided pursuant to such plan of care.

(2)(A) Except as provided in subparagraphs (B) and (C) and except in such exceptional and unusual circumstances as the Secretary may provide, if an individual makes such an election for a period with respect to a particular hospice program, the individual shall be deemed to have waived all rights to payment made under chapter 17 of title 38, United States Code, with respect to—

(i) hospice care provided by another hospice program (other than under arrangements made by the particular hospice program) during the period; and

(ii) services furnished during the period that are determined (in accordance with guidelines of the Secretary) to be equivalent to (or duplicative of) hospice care, except that this clause shall not apply to services provided by (or under arrangements made by) the hospice program.

(B) After an individual makes such an election with respect to a 90 or 30 day period or a subsequent extension period, the individual may revoke the election during the period, in which case—

(i) the revocation shall act as a waiver of the right to have hospice care furnished

under the pilot program authorized by this section for the remaining time in such period and (for purposes of subparagraph (A)) the individual shall be deemed to have been provided such care during such entire period, and

(ii) the individual may at any time after the revocation execute a new election for a subsequent period, if the individual otherwise is entitled to hospice care benefits with respect to such a period.

(C) An individual may, once in such period, change the hospice program with respect to which the election is made and such change shall not be considered a revocation of an election under subparagraph (B).

(D) For purposes of this subsection, an individual's election with respect to a hospice program shall no longer be considered to be in effect with respect to that hospice program after the date the individual's revocation or change of election with respect to that election takes place.

(c) AMOUNT OF PAYMENTS TO HOSPICE PROGRAMS.—To the extent that amounts are made available in appropriations Acts, the amounts paid to a hospice program with respect to hospice care provided under the pilot program authorized by this section shall be equal to the amount that would have been paid to the program under section 1814(d) of the Social Security Act (other than paragraph (2) of such section) if the care was hospice care for which payment may be made under Part A of title XVIII of such Act.

(d) NOTICE TO VETERANS.—The Secretary shall notify each terminally ill veteran who is eligible to receive care under section 610 of title 38, United States Code, that hospice care may be furnished to the veteran under the pilot program authorized by this section.

(e) DEFINITIONS.—

(1) The term "hospice care" means the following items and services provided to a terminally ill individual by, or by others under arrangements made by, a hospice program under a written plan (for providing such care to such individual) established and periodically reviewed by the Secretary and by the medical director (and by the interdisciplinary group described in section 1861(dd)(2)(B) of the Social Security Act) or the program—

(A) nursing care provided by or under the provision of a registered nurse,

(B) physical or occupational therapy or speech-language pathology,

(C) medical social services under the direction of a physician,

(D)(i) services of a home health aide who has successfully completed a training program approved by the Secretary and

(ii) homemaker services,

(E) medical supplies (including drugs and biologicals) and use of medical appliances, while under such plan,

(F) physicians services,

(G) short-term inpatient care (including both respite care and procedures necessary for pain control and acute and chronic symptom management) in an inpatient facility, but such respite care may be provided only on an intermittent, nonroutinized and occasional basis and may not be provided consecutively over longer than 5 days, and

(H) counseling (including dietary counseling) with respect to care of the terminally ill individual and adjustment to the individual's death.

(2) The care and services described in subparagraphs (A) and (D) may be provided on a 24-hour, continuous basis only during periods of crisis (meeting criteria established by the Secretary of Health and Human Services for hospice care under the Medicare program)

and only as necessary to maintain the terminally ill at home.

(3) For purposes of this section, an individual is considered to be terminally ill if the individual has a medical prognosis that the individual's life expectancy is 6 months or less.

(4) The term "physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such function or action.

(5) The term "Department facilities" has the meaning given the term "Veterans' Administration facilities" under section 601(4) of title 38, United States Code, and the term "non-Department facilities" has the meaning given the term "non-Veterans' Administration facilities" under 601(9) of such title.

(f) REPORT.—Not later than three years after the beginning of the pilot program authorized by this section, the Secretary shall submit a report to Congress on the program, and shall include in the report an analysis of the quality of care provided under this program and of the feasibility and cost-effectiveness of providing hospice care to all terminally ill veterans electing to receive such care.

By Mr. GORE:

S. 995. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for working families by providing a refundable credit in lieu of the deduction for personal exemptions for children and by increasing the earned income credit, and for other purposes; to the Committee on Finance.

WORKING FAMILY TAX RELIEF ACT OF 1991

Mr. GORE. Mr. President, today I rise to introduce the Working Family Tax Relief Act of 1991. An identical bill is being introduced in the other body today by Congressman TOM DOWNEY of New York, who is joined by Congressman DAVID OBEY and Congressman GEORGE MILLER. This bill will strengthen American families by providing meaningful tax cuts to working and middle-income families. It is designed to ease the tax burden on families, which have been paying more than their fair share, with an innovative approach that pays for itself and makes existing tax rates more progressive. It encourages working poor families, families that are now struggling to maintain their independence, to choose work over welfare.

The Working Family Tax Relief Act will increase the tax benefit for children by providing a tax credit of \$800 per child, up to age 18, rather than a limited personal exemption. For some middle and lower income families, this credit would more than double the real tax value of the existing exemption. This tax credit would be in addition to the current child care credit.

For working poor families, this bill expands the earned income tax credit [EITC] by adding a third tier to increase the credit and to make that credit more sensitive to family size. By expanding the EITC, the bill provides critical support to families struggling

to stay off welfare and encourages these families to keep working.

Mr. President, the bill would meet the pay-as-you-go requirement of existing budget agreements by creating a new rate structure of 15-28-32-35 percent and by adding an 11-percent surcharge on those with adjusted gross incomes of more than \$250,000 per year. At the same time it would restore to top bracket taxpayers the ability to fully deduct State and local taxes and charitable contributions and their ability to claim a full personal exemption. The bill also increases the alternative minimum tax rate to 29 percent.

For too long, working and middle-income families have been paying more than their fair share of America's bills. Working and middle-income families are telling us that even with two paychecks and full-time jobs they cannot make ends meet. They do not have any more to give and we should not be asking them. We should be giving tax relief where it is needed, for a change.

These families represent the engine that drives our country. They are the people who create the wealth and the jobs. America's leaders have to stand up for work and for the people who work for a living. That is what this bill does. It provides tax cuts for those who need them.

Mr. President, in the United States of America, one child in every five lives in poverty. At the same time, in this country, the richest 1 percent of Americans has more income than the poorest 100 million Americans. To make the gap between rich and poor even wider, the taxes of the top 1 percent of the population with the highest income have decreased from about 35 percent of income in 1977, to about 29 percent of income today. It is way past time to help America's children and their families by shifting the tax burden in this country from middle and lower income families somewhat toward those who can most afford to pay. That is what this bill will do.

The Working Family Tax Relief Act of 1991 will reduce taxes for 35 million families with children; this represents 134 million Americans in all who will get tax relief from this measure. It will remove 2 million families—some 9½ million individuals—from the Federal income tax rolls. It will lift 600,000 families—2½ million people—out of poverty. It does this by raising taxes on only 6 million families—15 million individuals—who are in the top 10 percent of income earners.

Mr. President, it is time we started listening to what America's families are telling us. They do not need the Government to tell them that they have less money to spend to feed and clothe and educate their children. Their pocketbooks tell them that every day. Their children feel the pressure themselves. It is time we let American families know we understand the finan-

cial strain they face and that we are on their side.

We drew a line in the sand in Saudi Arabia. It is time we draw a line down Main Street and fight for American families who are in financial difficulty, with tax relief where it is needed for a change.

Mr. President, I will include, with unanimous consent, informational and explanatory material, along with the full text of this legislative provision.

I might say that my cosponsor in the other body and I have worked on this measure very carefully and assiduously for almost 6 months. As I hope my colleagues and their staffs will see from the accompanying explanatory material and the very detailed tables and documents accompanying the bill, this is not a matter that has been put together overnight. It has been very carefully thought through. It has the support of many tax reform experts who have spent their lifetimes in this particular policy area. More importantly, it has the strong support of many advocates for America's children.

I personally believe, Mr. President, that it is wrong for this country to stand by and ignore the fact that one out of every five American children lives in poverty today. If we are going to build for the future of this country, we have to understand the implications of that harsh fact. This piece of legislation is the single most effective step we could take to address that problem.

At this point, I do ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Family Tax Relief Act of 1991".

TITLE I—REFUNDABLE CREDIT FOR CHILDREN

SEC. 101. REFUNDABLE CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. TAX CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to \$800 multiplied by the number of qualified personal exemptions of the taxpayer for the taxable year.

"(b) LIMITATION ON CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed the greater of—

"(1) \$400, or

"(2) 20 percent of the sum of—

"(A) the earned income (as defined in section 32(c)) of the taxpayer for the taxable year, and

"(B) the amount received in cash by the taxpayer during the taxable year for the sup-

port of children of the taxpayer from any individual required to support such children pursuant to a child support decree or agreement.

"(c) QUALIFIED PERSONAL EXEMPTION.—For purposes of this section, the term 'qualified personal exemption' means any personal exemption which (but for section 151(d)(3)) would be allowed to the taxpayer under section 151 for a child of the taxpayer (as defined in section 151(c)) who has not attained age 18 at the close of the calendar year in which the taxable year of the taxpayer begins.

"(d) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1992, each dollar amount contained in subsection (a) or (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting 'calendar year 1991' for 'calendar year 1989' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of \$10, such increase shall be rounded to the nearest multiple of \$10 (or if such increase is a multiple of \$5, such increase shall be rounded to the next highest multiple of \$10).

"(e) COORDINATION WITH MEANS-TESTED PROGRAMS.—Any refund made by reason of this section, and any payment made under section 7524, shall be treated in the same manner as refunds made by reason of section 32 and payments made under 3507 for purposes of—

"(1) sections 402, 1612, and 1613 of the Social Security Act and title XIX of such Act, and

"(2) the laws referred to in paragraphs (1) through (5) of section 32(j)."

(b) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—Section 151(d) of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—

The exemption amount for any qualified personal exemption (as defined in section 35(c)) shall be zero."

(c) TECHNICAL AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 35 of such Code".

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 35. Tax credit for children.

"Sec. 36. Overpayments of tax."

TITLE II—CHANGES IN INDIVIDUAL INCOME TAX RATE STRUCTURES

SEC. 201. INCREASE IN INCOME TAX RATES FOR HIGHER INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by striking subsections (a) through (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$32,450	15% of taxable income.
Over \$32,450 but not over \$78,400	\$4,867.50, plus 28% of the excess over \$32,450.
Over \$78,400 but not over \$110,000	\$17,733.50, plus 32% of the excess over \$78,400.
Over \$110,000	\$27,845.50, plus 35% of the excess over \$300,000.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$26,050	15% of taxable income.
Over \$26,050 but not over \$67,200	\$3,907.50, plus 28% of the excess over \$26,050.
Over \$67,200 but not over \$94,000	\$15,429.50, plus 32% of the excess over \$67,200.
Over \$94,000	\$24,005.50, plus 35% of the excess over \$94,000.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$19,450	15% of taxable income.
Over \$19,450 but not over \$47,050	\$2,917.50, plus 28% of the excess over \$19,450.
Over \$47,050 but not over \$66,000	\$10,645.50, plus 32% of the excess over \$47,050.
Over \$66,000	\$16,709.50, plus 35% of the excess over \$66,000.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$16,225	15% of taxable income.
Over \$16,225 but not over \$39,200	\$2,433.75, plus 28% of the excess over \$16,225.
Over \$39,200 but not over \$55,000	\$8,866.75, plus 32% of the excess over \$39,200.
Over \$55,000	\$13,922.75, plus 35% of the excess over \$55,000.

"(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust, taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over \$3,300	15% of taxable income.
Over \$3,300 but not over \$9,900	\$495, plus 28% of the excess over \$3,300.
Over \$9,900 but not over \$13,200	\$2,313, plus 32% of the excess over \$9,900.
Over \$13,200	\$3,369, plus 35% of the excess over \$13,200.

(b) TECHNICAL AMENDMENT.—Section 541 of such Code is amended by striking "28 percent" and inserting "35 percent".

SEC. 202. SURTAX ON HIGHER INCOME INDIVIDUALS.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VIII—SURTAX ON HIGHER INCOME INDIVIDUALS.

"Sec. 59B. Surtax on section 1 tax.

"Sec. 59C. Surtax on minimum tax.

"Sec. 59D. Special rules.

"SEC. 59B. SURTAX ON SECTION 1 TAX.

"In the case of an individual who has adjusted gross income for the taxable year in

excess of the threshold amount, the amount of the tax imposed under section 1 for such taxable year shall be increased by 11 percent of the amount which bears the same ratio to the tax imposed under section 1 (determined without regard to this section) as—

"(1) the amount by which the adjusted gross income of such individual for such taxable year exceeds the threshold amount, bears to

"(2) the total amount of such individual's adjusted gross income for such taxable year."

SEC. 59C. SURTAX ON MINIMUM TAX.

"(a) IN GENERAL.—In the case of an individual who has adjusted alternative minimum taxable income for the taxable year in excess of the threshold amount, the amount of the tentative minimum tax determined under section 55 for such taxable year shall be increased by 3.19 percent of the amount by which the adjusted alternative minimum taxable income of such taxpayer for the taxable year exceeds the threshold amount.

"(b) ADJUSTED ALTERNATIVE MINIMUM TAXABLE INCOME.—For purposes of this section, the term 'adjusted alternative minimum taxable income' means alternative minimum taxable income determined without regard to any itemized deductions.

SEC. 59D. DEFINITION AND SPECIAL RULES.

"(a) THRESHOLD AMOUNTS.—For purposes of this part, the term 'threshold amount' means—

"(1) \$250,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)).

"(2) \$200,000 in the case of a head of a household (as defined in section 2(b)).

"(3) \$125,000 in the case of a married individual (as defined in section 7703) who files a separate return, and

"(4) \$150,000 in any other case.

"(b) SURTAX TO APPLY TO ESTATES AND TRUSTS.—For purposes of this part, the term 'individual' includes any estate or trust taxable under section 1.

"(c) COORDINATION WITH OTHER PROVISIONS.—The provisions of this part—

"(1) shall be applied after the application of section 1(h), but

"(2) before the application of any other provision of this title which refers to the amount of tax imposed by section 1 or 55, as the case may be."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Part VIII. Surtax on higher income individuals."

SEC. 203. INCREASE IN RATE OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to tentative minimum tax) is amended by striking "24 percent" and inserting "29 percent".

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 897(a) of such Code is amended—

(1) by striking "21 percent" in the text and inserting "29 percent", and

(2) by striking "21-PERCENT" in the heading and inserting "29-PERCENT".

SEC. 204. REPEAL OF LIMITATION ON ITEMIZED DEDUCTIONS AND PHASEOUT OF PERSONAL EXEMPTIONS.

(a) REPEAL OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—

(1) IN GENERAL.—Section 68 of the Internal Revenue Code of 1986 is hereby repealed.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 56(b) of such Code is amended by striking subparagraph (F).

(B) Subparagraph (A) of section 1(f)(6) of such Code is amended by striking "section 68(b)(2)".

(C) The table of sections for part I of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 68.

(b) REPEAL OF PHASEOUT OF PERSONAL EXEMPTIONS.—

(1) IN GENERAL.—Subsection (d) of section 151 of such Code is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 151(d) of such Code, as redesignated by paragraph (1), is amended to read as follows:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1989, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1988' for 'calendar year 1989' in subparagraph (B) thereof."

TITLE III—INCREASED EARNED INCOME CREDIT

SEC. 301. INCREASED EARNED INCOME CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed \$5,714.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of \$5,714, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds \$9,000.

"(b) PERCENTAGES.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the percentages shall be determined as follows:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	22	17
2 qualifying children	27	17
3 or more qualifying children	32	17

"(2) TRANSITION PERCENTAGES.—

"(A) For taxable years beginning in 1992, the percentages are:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	18	13
2 qualifying children	20	13
3 or more qualifying children	22	13

"(B) For taxable years beginning in 1993:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	19	15
2 qualifying children	22	15
3 or more qualifying children	25	15

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 32(i)(2) of such Code is amended by striking "subsection (b)(1)" and inserting "subsection (a)(1)" and by striking "subsection (b)(1)(B)(ii)" and inserting "subsection (a)(2)".

(2) Paragraph (3) of section 162(l) of such Code is amended to read as follows:

"(3) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(3) Section 213 of such Code is amended by striking subsection (f).

(4) Subparagraph (B) of section 3507(c)(2) of such Code is amended—

(A) by striking "section 32(b)(1) (without regard to subparagraph (D) thereof)" in clause (i) and inserting "section 32(b)",

(B) by striking "section 32(b)(1)(B)(ii)" in clause (ii) and inserting "section 32(a)", and

(C) by striking "section 32(a)(1)" each place it appears and inserting "section 32(a)".

TITLE IV—ADVANCE PAYMENTS FROM SECRETARY OF THE TREASURY OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN

SEC. 401. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7524. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of sections 32 and 35.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if—

"(1) the taxpayer elects during the preceding taxable year to receive payments under this section during the taxable year and declares his intention not to receive payments under section 3507 for the taxable year,

"(2) the taxpayer furnishes, as such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(A) determine whether the taxpayer will be entitled to a refund by reason of sections 32 and 35 for the taxable year, and

"(B) estimate the amount of such refund, and

"(3) the Secretary determines that the taxpayer will be so entitled and the estimated amount of such refund (without regard to this section).

"(c) TIMING AND AMOUNT OF PAYMENTS.—

"(1) AGGREGATE PAYMENTS.—The aggregate payments made by the Secretary under this section to a taxpayer for the taxable year shall equal approximately 80 percent of the Secretary's estimate under subsection (b)(3).

"(2) QUARTERLY PAYMENTS.—The Secretary shall make the payments under this section

on a quarterly basis in approximately equal amounts.

"(d) OTHER PROVISIONS.—"

"(1) PROCEDURES TO ASSURE PAYMENTS TO INDIVIDUALS HAVING ADJUSTED GROSS INCOMES OF \$12,000 OR LESS.—If a taxpayer has an adjusted gross income of \$12,000 or less for any taxable year and the Secretary accepts a taxpayer's certification that he reasonably expects that his income tax return for the following taxable year will be substantially similar to his income tax return for the taxable year, the Secretary shall make all reasonable efforts to make payments under this section to such taxpayer for such following taxable year.

"(2) CHANGES IN ESTIMATED REFUND.—If, at any time, the Secretary changes his estimate under subsection (b)(3) for any taxable year, the Secretary may adjust subsequent payments under this section for such taxable year to reflect the new estimate.

"(3) COORDINATION OF PAYMENTS WITH CREDITS.—"

"(A) IN GENERAL.—If any payment is made by the Secretary under this section to any taxpayer for a taxable year, then the taxpayer's tax imposed by chapter 1 for such taxable year shall be increased by the aggregate of such payments.

"(B) RECONCILIATION.—Any increase in tax under subparagraph (A) shall not be treated as a tax imposed by chapter 1 for purposes of determining the amount of any credit allowable under subpart C of part IV of subchapter A of chapter 1 other than the credits allowed by sections 32 and 35."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end thereof the following new item:

"Sec. 7524. Advance payments of earned income credit and credit for children."

TITLE V—EFFECTIVE DATE

H4 SEC. 501. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1991. Section 15 of the Internal Revenue Code of 1986 shall not apply to any amendment made by this Act.

THE WORKING FAMILY TAX RELIEF ACT OF 1991—FACTSHEET ON FAMILY INCOMES AND TAX BURDENS AND THE IMPACT OF THE PROPOSAL

The bill reduces taxes for 35 million American families with children; some 134 million Americans.

Overall, the bill cuts taxes for working families with children with incomes between \$10,000 and \$75,000 by more than \$20 billion per year.

The bill removes more than two million families (9.5 million individuals) from the Federal income tax rolls.

The bill moves 600,000 families (2.5 million individuals) out of poverty, on an after-tax income basis (when income is defined to also include cash benefits, food stamps and housing benefits).

The bill is budget neutral and complies fully with the pay-as-you-go requirements of the Budget Enforcement Act of 1990.

In 1977, Federal taxes for the richest one percent of the population were slightly more than 35 percent of income. Today, the same income class pays roughly 29 percent.

CBO has estimated that federal taxes have increased by \$13 billion per year for middle income families between 1977 and 1992, while taxes on the richest one percent have been lowered by \$65 billion.

Only six million families (15 million individuals) in the top 10 percent of the income distribution will face a tax increase. The average family in the top one percent of the population with an average after-tax income of \$478,000 will receive a \$22,000 increase in its tax bill.

The one percent of the population with the highest income has received a total real relative gain in pre-tax income of \$271 billion since 1977, while individuals in the bottom 80 percent of the distribution have experienced significant losses in income relative to the average increase in income.

The richest one percent of the population has more income today than the poorest 100 million Americans.

Single parent families have been discouraged from working because of marginal tax rates well above 50 percent. For every dollar they earn, the reduction in Federal benefits or tax increases exceeds 0.50 cents and often approaches \$1.00.

Overall, young families with children have experienced real income losses of over 13 percent between 1979 and 1989; the middle 20 percent of young families has experienced a real income deterioration of 7 percent over the same period.

The poverty rate for children has increased from 14.4 percent in 1973 to 19.6 percent in 1989. Currently one child in five is poor.

AFDC benefits have declined in real terms by almost 40 percent since the early 1970s.

The number of families who are poor, yet have someone who works full-time, year-round increased by more than 46 percent between 1979 and 1989.

The bill reduces Federal taxes by 8.1 percent for a four person family with income between \$35,000 and \$50,000.

Chart 1 compares the income effects of the Working Family Tax Relief Act with the revenue and entitlement provisions of the Administration's 1992 budget proposals. Under the Administration's proposal, families in the top one percent of the distribution would see an increase in their after-tax income of 1.2 percent. This gain at the top is due primarily to the reduction in the capital gains tax rate that is included among the Administration's budget proposals. Alternatively, the Working Family Tax Relief Act would decrease the after-tax income of the top one percent of families by 4.6 percent, while increasing the income of those families in the middle income range by 1.1 percent.

THE WORKING FAMILY TAX RELIEF ACT OF 1991—FULL EXPLANATION OF PROVISIONS STRENGTHENING FAMILIES WITH CHILDREN

The Working Family Tax Relief Act of 1991 will strengthen American families by providing meaningful tax cuts to working and middle class families.

The Working Family Tax Relief Act of 1991 eases the tax burden on families which have been paying more than their fair share with an innovative approach that pays for itself and makes existing tax rates more progressive.

The Working Family Tax Relief Act of 1991 encourages working poor families, now struggling to maintain their independence, to continue to choose work over welfare.

The facts make clear the urgent need for our country to focus more of its resources on families with children, to strengthen American families and their ability to compete in a global marketplace.

The Working Family Tax Relief Act of 1991 increases tax benefits for children by providing an \$800 credit per child, up to age 18, in place of the personal exemption. In 1992, the

personal exemption will be worth a deduction of \$2,300. The taxpayer may currently deduct one personal exemption for each dependent. As table 1 illustrates, the \$800 refundable credit is preferable to the personal exemption. This child credit would, for example, more than double the value of the personal exemption for working families in the 15 percent bracket from the current \$2,300 per child to \$5,333 per child. For families in the 28 percent bracket, the value of the exemption would increase to \$2,857.

Families with children in the 15 percent Federal tax bracket would have reduced taxes of \$455 per child. The \$455 is the difference between a credit of \$800 per child under this bill and the tax benefit of the personal exemption under current law. A \$2,300 personal exemption is equivalent to a \$345 credit (\$2,300 times 15 percent). Families in the 28 percent tax bracket would save \$156 in taxes per child.

Under current law, the \$2,300 personal exemption is indexed for inflation. Similarly, the \$800 refundable child credit will be adjusted annually for inflation.

The credit is similar to the family and child allowance used widely throughout all Western industrialized countries. The benefit is a refundable credit paid through the tax system to families at all income levels. For example, if the amount of the credit exceeds the taxpayer's Federal income tax liability, the excess is payable to the taxpayer. However, for low-income families, the benefit is limited to the larger of \$400 per family or 20 percent of the amount of earned income or child support received up to \$800 per child. The payment will not be counted as income when determining public income-transfers such as AFDC, food stamps and low-income housing assistance. Certain low-income families may also elect to receive payments quarterly from the IRS.

For working poor families, The Working Family Tax Relief Act of 1991 also expands the Earned Income Tax Credit (EITC) by adding a third tier to increase the credit and to make that credit more sensitive to family size. By expanding the EITC, this bill provides critical support to families struggling to stay off welfare, encouraging these families to keep working.

The EITC is a refundable credit that provides an income supplement to low-income workers. Eligibility for the credit is restricted to households with earned income who have children. Under the Omnibus Budget Reconciliation Act of 1990, the EITC was adjusted for two or more children (see table 2). In 1992, the EITC would equal 17.6 percent of the first \$7,570 of earned income for a one-child family. The credit would be phased out at a rate of 12.57 percent of the amount of adjusted gross income in excess of \$11,920. The maximum credit amount for 1992 would be \$1,332.

Under the proposed bill, a new credit for a family with three or more qualifying children would be provided. By 1994, the three tiers of the EITC would be phased-in at increasing rates of 22, 27 and 32 percent respectively. All benefits would be phased-out at a 17 percent rate for one, two, and three or more children. When fully phased in, the maximum credit is projected to be \$1,665 in 1992 dollars for taxpayers with one qualifying child, \$2,044 for taxpayers with two qualifying children, and \$2,422 for taxpayers with three or more qualifying children.

Currently, there are two additional credits that are part of the EITC: a supplemental young child credit available for taxpayers with qualifying children under the age of one

year old and a supplemental young child health insurance credit. Both of these credits will be eliminated under the new proposal. The increases in the new child tax credit and the EITC in this bill will more than offset the loss of these credits.

PROGRESSIVE TAX CHANGES

The Working Family Tax Relief Act proposes a new rate structure for the wealthiest taxpayers. Under OBRA of 1990, the top statutory marginal rate was set at 31 percent, eliminating the 33-percent rate bubble. This, for years beginning in 1991, three marginal rates apply to individual income: 15, 28, and 31 percent. The ending income levels for the tax rates under current law are shown in table 2. For example, a couple filing a joint return with taxable income between \$35,800 and \$86,550 would be subject to a 28 percent marginal tax rate. Taxable income is adjusted gross income less the standard deduction or itemized deductions, less personal exemptions.

Under the proposed change, the new rate structure further divides the top tax rate, creating four marginal rates that apply to individual income: 15, 28, 32, 35 percent. The ending income levels for the new 32 percent rate are shown in table 2. The taxable income levels for the 15 and 28 percent brackets are unchanged. For example, a family filing a joint return with a combined income between \$86,550 and \$110,000 would be subject to the 32 percent marginal tax rate, approximately the same rate they would be paying under existing law. Likewise, a similar family with taxable income above \$110,000 would be taxed at the top rate of 35 percent.

In addition, the phase-out of personal exemptions for high-income taxpayers is eliminated. Created under OBRA of 1990, the phaseout of personal exemptions raised the taxpayer's marginal rate—that is, created a new bubble—by approximately 0.5 percent for each personal exemption for adjusted gross incomes between \$150,000 and \$275,000. In calculating tax liability, high-income taxpayers would calculate the reduction in their per-

sonal exemptions and then apply the 31-percent top rate. Under this bill, these taxpayers will be able to take full personal exemptions and the bill's new child tax credit.

The bill would also restore to high income taxpayers the ability to fully deduct state and local taxes and charitable contributions. Beginning in 1991 under OBRA of 1990, itemized deductions were reduced by an amount equal to three percent of the excess of taxable income over \$100,000. The effect of the disallowance of itemized deductions is to increase the marginal tax rate of affected taxpayers. The marginal rate increase is 0.93 percent for income in the 31-percent marginal rate bracket. This bill would remove this existing limit on itemized deductions.

The Working Family Tax Relief Act also imposes an 11 percent surtax on both ordinary and capital gains for families with adjusted gross incomes above \$250,000. The proposal also increases the alternative minimum tax (AMT) from 24 to 29 percent. The minimum tax requires an alternative tax computation for taxpayers who make excessive use of deductions and exclusions.

The bill will be scored by the Joint Committee on Taxation at a later date. The parameters may change slightly to ensure that the bill is budget neutral.

All changes proposed in the bill are effective on January 1, 1992 and apply to calendar year 1992.

TABLE 1.—EXPLANATION OF CREDITS VERSUS REDUCTIONS
(1992 examples)

Federal tax rate	Current Law		Proposal	
	Personal exemption	Tax credit value of personal exemption	Tax credit	Equivalent value of personal exemption ¹
0	2,300	0	2,800	5,333
0.15	2,300	345	800	2,857
.28	2,300	644	800	2,581
.31	2,300	713	800	

¹ The equivalent value of the personal exemption equals tax credit/tax rate.

TABLE 3.—INCENTIVES TO WORK FOR A SINGLE MOTHER WITH TWO CHILDREN

Source of income	Current law			Proposal		
	Unemployed (no wages)	Wages at poverty level	Change due to work	Unemployed (no wages)	Wages at poverty level	Change due to work
Earnings	0	10,419	10,419	0	10,419	10,419
AFDC	4,801	154	4,647	4,801	154	-4,647
Food stamps	2,426	1,868	-558	2,426	1,868	-558
Child care expenses	0	-1,912	-1,912	0	-1,912	-1,912
EITC	0	1,703	1,703	0	1,839	1,839
Federal income taxes	0	0	0	0	0	0
Federal payroll taxes	0	-797	-797	0	-797	-797
Child tax credit	NA	NA	NA	400	1,600	1,200
Net income	7,227	11,435	+4,208	7,627	13,171	+5,544

Note.—AFDC is calculated as a weighted (by population) average across states. Both current law and the proposal assume a fully phased-in EITC. Source: Ways and Means Committee staff based upon Congressional Research Service AFDC state benefit levels.

TABLE 4.—THE WORKING FAMILY TAX RELIEF ACT OF 1991—FAMILIES WITH CHILDREN

	Average dollar change in after-tax income	Total dollar change in after-tax income (billions)	Percent change in after-tax income
Families with children—by income group:			
Lowest quintile	910	7.5	9.2
2d quintile	870	7.0	3.9
Middle quintile	749	5.7	2.2
4th quintile	410	2.8	.9
81 to 90 percent	173	.5	.3
Top 10 percent	-3,573	-7.5	-2.2
Overall	445	16.2	1.2
By dollar range of income:			
Less than \$10,000	622	2.8	10.8

TABLE 4.—THE WORKING FAMILY TAX RELIEF ACT OF 1991—FAMILIES WITH CHILDREN—Continued

	Average dollar change in after-tax income	Total dollar change in after-tax income (billions)	Percent change in after-tax income
\$10,000 to \$20,000	919	5.1	6.2
\$20,000 to \$30,000	878	5.0	4.0
\$30,000 to \$40,000	791	3.9	2.7
\$40,000 to \$50,000	786	3.3	2.1
\$50,000 to \$75,000	441	3.0	.9
\$75,000 to \$100,000	221	.5	.3
\$100,000 to \$200,000	-64	-.1	-.1
\$200,000 or more	-16,589	-8.3	-3.9
Overall	445	16.2	1.2

Source: Congressional Budget Office Tax Simulation Model.

² Limited to the larger of \$400 per family or 20 percent of the amount of earned income or child support received.

Note.—\$2,300 is the projected personal exemption amount in 1992 under CBO assumptions.

TABLE 2.—EARNED INCOME TAX PARAMETERS

	1992	1993	1994
Current law:			
1 child:			
Credit rate (percent)	17.6	18.5	23.0
Phaseout rate (percent)	12.57	13.21	16.43
Maximum credit	1,332	1,450	1,868
2 or more children:			
Credit rate (percent)	18.4	19.5	25.0
Phaseout rate (percent)	13.14	13.93	17.86
Maximum credit	1,393	1,529	2,030
Proposal:			
1 child:			
Credit rate (percent)	18	19	22
Phaseout rate (percent)	13	15	17
Maximum credit	1,363	1,490	1,786
2 children:			
Credit rate (percent)	20	22	27
Phaseout rate (percent)	13	15	17
Maximum credit	1,514	1,725	2,192
3 or more children:			
Credit rate (percent)	22	25	32
Phaseout rate (percent)	13	15	17
Maximum credit	1,665	1,960	2,598

TAXABLE INCOME LEVELS—1992

	Ending income levels for tax rates:		
	15 percent	28 percent	32 percent
Current law:			
Joint return	35,800	86,550	NA
Single return	21,450	51,950	NA
Head of household	28,750	74,200	NA
Proposal:			
Joint return	35,800	86,550	110,000
Single return	21,450	51,950	66,000
Head of household	28,750	74,200	94,000

Source: Congressional Budget Office Tax Simulation Model.

TABLE 5.—TOTAL FEDERAL EFFECTIVE TAX RATES

	1977	Current law	With proposal
Families with children (by income group):			
Lowest quintile	10.2	5.8	-2.9
2d quintile	17.3	17.2	14.0
Middle quintile	20.7	21.7	19.9
4th quintile	22.5	23.7	23.0
5th quintile	26.8	27.5	28.5
81 to 90 percent	NA	25.7	25.5
91 to 100 percent	NA	28.4	29.9
Overall	22.2	23.4	22.5
All families (by income group):			
Lowest quintile	9.3	7.6	3.2
2d quintile	15.4	15.4	13.7
Middle quintile	19.5	19.7	18.8
Fourth quintile	21.8	22.2	21.9
81 to 90 percent	24.0	24.7	24.6

TABLE 5.—TOTAL FEDERAL EFFECTIVE TAX RATES—
Continued

	1977	Current law	With proposal
91 to 95 percent	25.2	26.1	26.1
96 to 99 percent	27.0	27.1	27.5

TABLE 5.—TOTAL FEDERAL EFFECTIVE TAX RATES—
Continued

	1977	Current law	With proposal
Top 1 percent	35.5	29.3	32.5
Overall	22.8	23.2	23.2

TABLE 5.—TOTAL FEDERAL EFFECTIVE TAX RATES—
Continued

	1977	Current law	With proposal
5th quintile	27.2	26.8	27.8
Top 10 percent	28.8	27.7	29.1

Source: Congressional Budget Office Tax Simulation Model.

TABLE 6.—CHANGE IN INCOME, 1977 TO 1992
(Dollar amounts in billions)

All families (by income group)	Percent change in pretax income 1977-92	Change in 1992 income relative to 1977	Dollar change in income with proposal	Total 1992 pretax income	
				1992 shares	1977 shares
Lowest Quintile	-10.1	-\$59.3	\$7.5	\$168.1	227.4
2d quintile	-3.1	-79.0	7.0	413.8	492.8
Middle quintile	2.8	-65.3	5.7	664.4	729.8
4th quintile	8.4	-69.0	2.8	977.1	1,046.0
81 to 90 percent	12.7	-37.2	0.5	698.6	735.7
91 to 95 percent	16.0	-3.6	0.0	470.9	474.5
96 to 99 percent	28.5	46.1	-2.4	599.9	553.8
Top 1 percent	113.0	271.4	-22.0	677.3	406.3
Overall	16.1	0.0	-0.7	4,653.3	4,653.3
5th quintile	33.1	276.8	-24.0	2,447.1	2,170.3
Top 10 percent	42.7	313.9	-24.5	1,748.6	1,434.6

Note.—The last column illustrates the amount of money each income group would have received if 1992 pretax income is distributed according to the 1977 shares of income.

Source: Congressional Budget Office Tax Simulation Model.

TABLE 7.—INCOME DATA AND POVERTY THRESHOLDS FOR FAMILY GROUPS OF VARIOUS SIZES

	AFI	Family size				
		1	2	3	4	6
Poverty thresholds (for 1991)		6,415	8,208	10,047	12,883	17,199
All families (1992) (by income group):						
Lowest	1.47	9,423	12,058	14,759	18,925	25,265
2d	2.67	17,101	26,786	26,786	34,346	45,851
Middle	3.99	25,613	32,776	40,118	51,441	68,674
4th	6.03	38,667	49,481	60,564	77,658	103,673
81 to 90 percent	8.10	52,983	66,521	81,422	104,403	139,377
91 to 95 percent	10.65	68,314	87,420	107,002	137,203	183,164
96 to 99 percent	26.35	169,022	216,293	264,742	339,464	453,181

Note.—AFI is adjusted family income—family income divided by the poverty level. This table illustrates how a family's quintile ranking is determined based upon income and family size. The income of families in the lowest quintile is below 147 percent of the poverty threshold. A family of 4 in the middle quintile has income between \$34,347 and \$51,441.

Source: Congressional Budget Office Tax Simulation Model.

THE WORKING FAMILY TAX RELIEF ACT OF
1991—EXAMPLES

The following analysis provides five examples of federal tax liabilities in 1992 under the Working Family Tax Relief Act of 1991 as compared with current law. The examples represent five different income groups and family situations: a married couple with two children and a combined income of \$40,000; a young, working couple with two young children and an income of \$20,000; a married couple with two children who itemize and have a combined income of \$60,000; and two examples of working, single mothers with two young children. A minus sign denotes tax liability.

Example 1: The first example shows a married couple with two children. Together, their earnings total \$40,000. They do not have child care expenses. Under current law, the family pays taxes of \$6,780. Under the proposal, the family pays \$5,870 in taxes, meaning the family saves \$910 in taxes.

	Current law	Proposal
Federal income tax	-\$3,720	-\$4,410
Child tax credit		1,600
Payroll taxes (Social Security)	-3,060	-3,060
Total	-6,780	-5,870

Example 2: The second example shows a young couple with two children. Both parents work with a combined income of \$20,000. The family has annual child care expenses of \$3,000. Under current law, this young family pays \$1,199 in Federal taxes. Under the pro-

posal, the family pays \$126 Federal taxes, realizing a tax cut of \$1,073.

	Current law	Proposal
Federal income tax	-\$720	-\$1,410
Child care credit	720	750
EITC	331	464
Child tax credit		1,600
Payroll taxes (Social Security)	-1,530	-1,530
Total	-1,199	-126

Example 3: The third example illustrates a married couple with two children. Both parents work, together earning \$60,000. The family itemizes instead of taking the standard deduction. Under the proposal the family saves \$312 in taxes.

	Current law	Proposal
Federal income tax	-\$6,210	-\$7,498
Child tax credit		1,600
Payroll taxes (Social Security)	-4,590	-4,590
Total	-10,800	-10,488

Example 4: The fourth example shows a single mother with two children under the age of 12. The mother works at minimum wage earning a yearly salary of \$8,500. Child care expenses amount to \$2,500. Under current law, this family receives a refund of \$743. Under the proposal, the family would receive \$1,721 more, amount to a net payment of \$2,464.

	Current law	Proposal
Federal income tax	0	-\$135
Child care credit	0	135

	Current law	Proposal
EITC	\$1,393	1,514
Child tax credit		1,600
Payroll taxes (Social Security)	-650	-650
Total	743	2,464

Example 5: The fifth example shows a single mother with two children. The mother earns an annual salary of \$14,500. Child care expenses total \$4,000. Under current law, this family has a tax liability of \$55. Under the proposal, the family would receive \$1,725 more, amount to a net payment of \$1,670.

	Current law	Proposal
Federal income tax	-\$345	-\$1,035
Child care credit	345	1,035
EITC	1,054	1,179
Child tax credit		1,600
Payroll taxes (Social Security)	-1,109	-1,109
Total	-55	1,670

THE WORKING FAMILY TAX RELIEF ACT OF
1991—STRENGTHENING WORK INCENTIVES

One of the primary aims of this proposal is to help working poor families escape from poverty and to increase the economic benefits of working. Many poor children today live in single parent families. Under current law, many of these families lack an incentive to work, because working does not leave them better off.

Consider the following examples for 1990. Compare a mother with two children with no

earnings to a mother with two children with earnings at the poverty level (\$10,419). (See Table 3).

A mother with no earnings would receive \$7,227 in benefits. (This represents a decline in benefits of 26 percent since 1972 and a 7.5 percent decline since 1980.) If this same mother goes to work full-time and earns \$10,419 (earnings equal to poverty and slightly above the minimum wage), and has child care expenses of \$1,912, her disposable income would increase to \$11,435. (This represents an average tax rate of 60 percent). For this family, the payoff from work is \$4,208 (\$11,435-\$7,227) a year, or approximately \$2 per hour.

Under the Working Family Tax Relief Act, the same mother with two children who is not working would experience an increase in income of \$400 for a total of \$7,627. However, her incentive to work has significantly increased. The mother's disposable income would increase by \$5,544 (\$13,171-\$7,627), a 32 percent increase in the payoff to work.

By Mr. BUMPERS:

S. 996. A bill to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes; to the Committee on Energy and Natural Resources.

BILL FOR THE RELIEF OF HAROLD AND MARGARET HEDGES

• Mr. BUMPERS. Mr. President I am pleased today to introduce legislation to provide for the relief of Harold and Margaret Hedges of Harrison, AR. This bill will allow for an equitable solution to a very tragic problem.

In 1979, the National Park Service purchased Mr. and Mrs. Hedges' home and 711 acres of land for addition to the Buffalo National River. At the time of the purchase, Mr. and Mrs. Hedges retained a 25-year reservation of use and occupancy to continue living in their home and to use 45 acres of land for agricultural purposes.

The purchase price paid to the Hedges was discounted to reflect the rental value of the property used by Mr. and Mrs. Hedges during the term of the reservation. In essence, at the time of sale, Mr. and Mrs. Hedges paid in advance the full cost of the reservation fee.

On January 1, 1991, the Hedges home was completely destroyed by a fire, apparently caused by arson. The Park Service has issued a \$5,000 reward for information leading to the arrest of the arsonist, although unfortunately the case remains unsolved. Although the Hedges' permit to live in their home will not expire until 2004, they are no longer able to enjoy the use of the remaining 13 years of the reservation term.

This legislation simply directs the Secretary of the Interior to terminate the reservation and to refund to the Hedges, on a pro-rata basis, the unused portion of the reservation fee. I believe this legislation represents a fair resolution for both Mr. and Mrs. Hedges and the National Park Service and I hope the Senate is able to swiftly pass this bill.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) In 1979 Harold and Margaret Hedges conveyed approximately 711 acres, including a homesite, to the National Park Service for addition to the Buffalo National River;

(2) Mr. and Mrs. Hedges retained a reservation of use and occupancy for a term of 25 years for use of their home and approximately 42 acres of adjacent land;

(3) On January 1, 1991, the house was destroyed by fire, apparently caused by arson;

(4) Mr. and Mrs. Hedges are now unable to use the remaining term of their use and occupancy reservation, without incurring extraordinary costs and expenses; and

(5) the most equitable resolution is to provide for the termination of their use and occupancy reservation, with an appropriate refund of the unused portion of the value of the reservation.

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "reservation" or "reservation of use and occupancy" means the reservation of use and occupancy retained by Harold and Margaret Hedges, pursuant to Buffalo National River Deed 922, including Tracts 66-104, 66-111, and 66-112, executed on October 25, 1979, and valued at \$19,148;

(2) "Secretary" means the Secretary of the Interior; and

(3) "unused term" means the period of time between January 1, 1991, and October 25, 2004, inclusive.

SEC. 3. TERMINATION OF RESERVATION OF USE AND OCCUPANCY.

(a) IN GENERAL.—Upon application by Harold and Margaret Hedges of Harrison, Arkansas, the Secretary is authorized and directed to terminate the reservation of use and occupancy at the Buffalo National River described in section 2.

(b) REFUND.—Upon termination of such reservation, the Secretary shall, notwithstanding any other provision of law, refund the value of the unused term of such reservation, determined on a pro rata basis.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. KASTEN:

S. 997. A bill to impose duties on golf carts imported from South Korea equal to the duties and taxes imposed by South Korea on golf carts manufactured in the United States; to the Committee on Finance.

ADDITIONAL DUTIES ON KOREAN GOLF CARTS

• Mr. KASTEN. Mr. President, I rise today to introduce legislation that will impose duties on golf carts imported from South Korea equal to the duties and taxes imposed by South Korea on golf carts manufactured in the United States.

My legislation is in response to the unfair competition created by a series

of discriminatory Korean tariffs and taxes on American golf carts that total over 52 percent. The Korean tariffs and taxes compare to United States duty on imported golf carts of 2.5 percent. This is a simple issue of fairness.

The golf cart manufacturing business is not a big industry by any measure. However, the Congressional Research Service has identified 28 U.S. golf cart manufacturers, mostly small firms, operating in 18 States. There are thousands of employees associated with these businesses.

On several occasions I have urged the U.S. Trade Representative to work for 0-0 tariffication for golf carts, but trade negotiations continue at a snail's pace and results appear uncertain. In the interim, U.S. golf cart companies go out of business and American workers lose their jobs. We cannot afford to wait any longer.

Unfair trade practices from overseas competitors can no longer be ignored. I urge my colleagues to join me in this legislation that not only will help protect American jobs from unfair competition but also will signal the rest of the world that the United States is serious about achieving trade reform.

I am a firm believer that free trade is vital to both American and world economic growth. But, until free trade is achieved, we cannot, and should not, accept trade practices that discriminate against American products.

By Mr. SHELBY (for himself, Mr. KASTEN, Mr. DOMENICI, and Mr. HATCH):

S. 998. A bill to prohibit the Appraisal Subcommittee of the Federal Financial Institutions Examination Council from requiring or recommending the inclusion of an experience requirement in a State's procedures for the licensing of real estate appraisers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

REAL ESTATE APPRAISAL AMENDMENTS ACT

• Mr. SHELBY. Mr. President, the distinguished Senator from Wisconsin, [Mr. KASTEN] and I are pleased to introduce legislation to prevent disruptions in the housing and real estate markets. We are very pleased that Senators HATCH and DOMENICI have joined us as original cosponsors.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] required that States establish separate agencies for the purpose of licensing, certifying, and disciplining real estate appraisers. FIRREA also established the Appraisal Subcommittee as part of the Federal Financial Institutions Examination Council to monitor the State Appraisal certification and licensing programs.

While many States have made considerable progress toward establishing their licensing and certification systems, I am concerned that confusion

resulting from contradictory guidelines published by the Appraisal Subcommittee may make the current deadline of July 1, 1991 unrealistic. Requiring that real estate appraisers be licensed or certified before July 1, 1991 when the criteria for licensure and certification have not even been finalized in some States, could substantially increase costs to home-buyers and create unnecessary delays in closing for even the most basic of real estate transactions.

For this reason, we propose to extend the deadline by 1 year, to July 1, 1992. This will allow the Appraisal Subcommittee time to clarify its guidelines and the States time to ensure compliance.

This legislation will also prohibit the Appraisal Subcommittee from requiring experience as a criteria for licensure. The Appraisal Subcommittee has urged States to require 2,000 hours of experience for a licensed appraiser. It would seem that 2,000 hours of experience for individuals that appraise single family homes may well be excessive in many areas. It is my view that States should have the flexibility to determine whether an experience requirement is necessary, and if so, then what length of service is appropriate.

I hope that my colleagues will join me in sponsoring the Real Estate Appraisal Amendments Act of 1991.

• Mr. KASTEN. Mr. President, I join with my colleague, the distinguished Senator from Alabama, in introducing critical legislation that will prevent disruptions in the housing and real estate markets.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] requires States establish separate agencies for the purpose of licensing, certifying, and disciplining real estate appraisers. FIRREA established the appraisal subcommittee as part of the Federal financial institutions examination council to monitor the State appraisal certification and licensing programs.

Many States have made considerable progress toward establishing their licensing and certification systems. However, I am very concerned that confusion resulting from contradictory guidelines published by the Appraisal Subcommittee may make the current deadline of July 1, 1991, unrealistic.

Mr. President, requiring that real estate appraisers be licensed or certified before July 1, 1991, when the criteria for licensing and certification have not even been finalized in some States, could produce a nationwide shortage of licensed real estate appraisers. This shortage will result in substantial cost increases for consumers of single-family home appraisals and extraordinary delays in closing the most basic housing transactions. Further, the anticipated increased activity in home mortgage financings caused by lower inter-

est rates will exacerbate these problems.

The legislation that Senator SHELBY and I propose will extend the deadline by 1 year, to July 1, 1992. This will allow the necessary time needed for Appraisal Subcommittees to clarify its guidelines and the States time to ensure compliance.

I hope that my colleagues will join me in cosponsoring this important piece of legislation.

By Mr. LAUTENBERG (for himself and Mr. DURENBERGER):

S. 999. A bill to authorize a Federal program to promote the development and implementation of intelligent vehicle-highway systems; to the Committee on Environment and Public Works.

INTELLIGENT VEHICLE-HIGHWAY SYSTEMS

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation to authorize a comprehensive program to promote the development and use of technology to improve the safety and efficiency of our highway systems.

Such technologies, known as intelligent vehicle-highway systems, or IVHS, should be an integral part of the highways of today, and the future. The realities of growing populations and environmental concerns mean that we can't just keep building more roads. We need to provide alternatives, such as mass transit. And, we need to make better use of the roads we have now.

In New Jersey, and throughout the country, traffic congestion is a serious problem. It is estimated that, collectively, Americans waste 2 billion hours and more than 1 billion gallons of fuel stuck in traffic each year. That congestion also contributes to worsened air quality, lost productivity, and takes people away from families, jobs, and leisure time.

The General Accounting Office has projected that congestion in metropolitan areas could worsen by 300 to 400 percent over the next 15 years, unless significant changes are made. However, we cannot just pave our way out of this problem. More and more roads are not the answer. One part of the solution is to make more efficient use of existing roads, bridges, and tunnels. That is the goal of IVHS, and of this bill.

For the benefit of my colleagues, let me explain briefly what IVHS, also known as smart cars and smart highways, is all about. As defined in my legislation, it is the development or application of electronics, communications, or information processing used to improve safety and efficiency on our roads.

It ranges from the use of off-the-shelf technology, such as variable message signs to alert drivers to traffic problems ahead, and suggest alternative routes; to the development or application of new technologies to allow individual automobiles to communicate with external systems, such as elec-

tronic toll collection, or in-dashboard displays that would provide information, even including maps, to drivers.

A GAO review that I requested of field and analytical tests of IVHS indicates the tremendous promise it holds: Reduction of travel times in congested areas by as much as 50 percent; reduction of fuel consumption, through the elimination of delays and stops, of 10 percent or more; and reductions of 15 percent in the emission of pollutants from automobiles.

The GAO's findings are being released today. I ask unanimous consent that a copy of the executive summary of the GAO report on IVHS entitled, "Smart Highways: An Assessment of Their Potential To Improve Travel" be included in the RECORD at the conclusion of my remarks.

IVHS is being tested in various areas, including in northern New Jersey and New York. As chairman of the Transportation Appropriations Subcommittee, I've earmarked \$5 million for TRANSCOM, a consortium of New Jersey, New York, and Connecticut transportation agencies, for the implementation of traffic management IVHS. The funds are being used for several efforts, including: upgrading and maintenance of variable message signs at key gateways, where timely and accurate traffic information can allow motorists to alter their routes to avoid problems; installation and monitoring of remote camera systems at intersections with high accident rates, to allow police to identify and respond to accidents more quickly, avoiding extensive traffic backups; and more extensive use of electronic toll collection, to include individual passenger cars.

This bill would help promote and expand these important efforts, and see that they are initiated in other congested areas throughout the country.

The legislation has two broad goals: to support research and the development of intelligent vehicles and highway systems; and to provide support to States to apply IVHS technologies in the most congested highway corridors in our Nation. Further, it would make it clear that the development and use of IVHS on our national highway system is in the national interest, and should be under the jurisdiction of the Department of Transportation.

The research program would provide support to academic and industrial institutions engaged in the development of smart cars and highways. Mr. President, the Japanese and the Europeans are already investing hundreds of millions of dollars in these technologies. They have the potential to transform the vehicles and highways that we use everyday. The advent of IVHS will create new opportunities not just for automobile and truck manufacturers, but also for the electronics, computer, and construction industries. The Unit-

ed States needs to stay competitive in these areas.

The bill would also give the Secretary of Transportation the authority and direction to set standards, to assure that IVHS systems are compatible with one another.

The program of grants for the most congested corridors would be designed to apply and test IVHS now. For areas like northern New Jersey, IVHS holds out the promise of reducing delays without the need for construction of new roads. And when delays and congestion are reduced, so is the pollution that prevents that area from meeting clean air goals.

IVHS may not be the answer to all of our traffic problems, but it can help address many of them. It can reduce traffic congestion, improve air quality, help maintain productivity, and enhance the quality of life of commuters throughout the country.

It's important to note that IVHS is not some pie-in-the-sky plan. IVHS can, in the near term, provide meaningful relief to frustrated and delayed drivers all over this country. It can mean no more fumbling for change as you wait in line to pay your toll. It can mean the end of stopping at red light after red light because the signals don't adjust to traffic patterns. It can mean not having to wait at a traffic light when there's no one else coming the other way. It can mean no more getting stuck in traffic because you didn't know there had been an accident, or a way to avoid it.

Traffic congestion is robbing us of time, productivity, and a healthier environment. The widespread use of IVHS can help us get some of that back.

This legislation offers a sound plan for promoting the development and use of IVHS in this country. I encourage my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds and declares that—

(1) Traffic congestion has significant economic and social costs, estimated to account for \$42 billion annually in the nation's largest metropolitan areas;

(2) Americans are estimated to spend two billion hours annually delayed in traffic congestion;

(3) traffic congestion in metropolitan areas is projected to increase by as much as 300-400 percent over the next 15 years;

(4) environmental concerns and economics will make new highway construction increasingly more difficult in the future;

(5) additional efforts must be made to more efficiently utilize existing highway capacity;

(6) increases in the numbers of older drivers and likely to require changes in the oper-

ation of automobiles and highway systems in order to meet the special needs of older drivers;

(7) Intelligent Vehicle-Highway Systems (IVHS) have the potential to improve highway efficiency and safety and contribute to efforts to improve environmental conditions and energy efficiency through the use of technology

(8) advances in electronics and associated technologies make implementation of Intelligent Vehicle-Highway Systems feasible;

(9) Japan has already invested considerable funds in the development and application of Intelligent Vehicle-Highway Systems, and the European Community is investing approximately \$6 billion in a multi-year effort to implement such systems in Europe;

(10) reductions in traffic congestion can have significant societal and economic benefits;

(11) reductions in traffic congestion can have significant environmental benefits; and

(12) the United States Government should play a role in fostering the development, implementation, and coordination of Intelligent Vehicle-Highway Systems efforts in the United States, including the promotion of competitive emerging technologies and the applications of those technologies.

SEC. 2. PURPOSE AND SCOPE

(a) ESTABLISHMENT OF PROGRAM.—The Administrator of the Federal Highway Administration (hereinafter referred to as the "Administrator") shall conduct a program to promote and facilitate the implementation of Intelligent Vehicle-Highway Systems as a component of the Federal-aid highway system. The goals of such program shall include, but not be limited to—

(1) the widespread implementation of Intelligent Vehicle-Highway Systems to enhance the capacity, efficiency, and safety of the Federal-aid highway system, including as an alternative to the construction of additional physical capacity of that system;

(2) the enhancement, through more efficient use of the Federal-aid highway system, of the efforts of the several States to attain air quality goals, as established by the Administrator of the Environmental Protection Agency pursuant to the Clean Air Act Amendments of 1990 (104 Stat. 2399 et seq.);

(3) the enhancement of the safe and efficient operation of the Nation's highways;

(4) the development and promotion of Intelligent Vehicle-Highway Systems and an Intelligent Vehicle-Highway Systems industry in the United States, utilizing authority provided under 23 U.S.C. 307;

(5) the reduction of societal, economic, and environmental costs associated with traffic congestion; and

(6) the enhancement of United States industrial and economic competitiveness, by improving the free flow of people and commerce, and by establishing a significant United States presence in an emerging field of technology.

(b) COORDINATION.—The Administrator shall lead and coordinate an Intelligent Vehicle-Highway Systems program and shall foster its use as a key component of the surface transportation systems of the United States. As appropriate, the Administrator shall consult with the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies, in carrying out the purposes of this Act. The Administrator shall strive to transfer federally owned or patented technology to State and local govern-

ments and to the United States private sector. As appropriate, the Administrator shall maximize the involvement of the private sector, colleges and universities, and State and local governments in aspects of such programs, including design, conduct (including operations and maintenance), evaluation, and financial or in-kind participation.

(c) STANDARDS.—The Administrator shall develop and implement standards and protocols to promote the widespread use and evaluation of Intelligent Vehicle-Highway Systems technology as a component of the Federal-aid highway system. To the extent practicable, such standards and protocols shall promote compatibility among Intelligent Vehicle-Highway Systems technologies implemented throughout the several States. The Administrator is authorized to make use of existing standards-setting organizations as he determines appropriate.

(d) EVALUATION.—The Administrator shall establish guidelines and requirements for the evaluation of field and related operational tests.

(e) INFORMATION CLEARINGHOUSE.—The Administrator shall establish a repository for technical and safety data collected as a result of federally sponsored projects pursuant to this Act, and shall make such information readily available, upon request, at an appropriate cost to all users, except for proprietary information and data. In carrying out the requirements of this subsection, the Administrator may delegate this responsibility, with continuing oversight by the Administrator, to an appropriate entity not within the Department of Transportation. For the purposes of carrying out the requirements of this subsection, such entity would be eligible for Federal aid, as specified in this Act.

SEC. 3. ADVISORY COMMITTEE.

The Administrator is authorized to utilize one or more advisory committees in carrying out his responsibilities under this Act. Any advisory committee so utilized shall be subject to the Federal Advisory Committee Act, and funding provided for any such committee shall be available from monies appropriated for advisory committees as specified in relevant appropriations Acts, and from funds allocated for activities in connection with the Intelligent Vehicle-Highway Systems program under this Act.

SEC. 4. STRATEGIC PLAN, IMPLEMENTATION REPORTS, AND REPORT TO CONGRESS.

(a) STRATEGIC PLAN.—

(1) STRATEGIC PLAN.—Not later than 12 months following the date of the enactment into law of this Act, the Administrator shall formulate, and submit to Congress, a strategic plan for the Intelligent Vehicle-Highway Systems program under this Act.

(2) SCOPE OF STRATEGIC PLAN.—In preparing such plan, the Administrator shall—

(A) specify the goals, objectives, milestones of such program and how specific projects relate to these, including consideration of the 5-, 10-, and 20-year timeframes for specified goals and objectives.

(B) detail the status and challenges and nontechnical constraints facing the program;

(C) chart a course of action necessary to achieve these goals and objectives;

(D) provide for the development of standards and protocols to promote and ensure compatibility in the implementation of Intelligent Vehicle-Highway Systems technologies; and

(E) provide for the accelerated use of advanced technology to reduce traffic congestion along heavily populated and traveled corridors.

(b) IMPLEMENTATION REPORTS.—

(1) Not later than 24 months after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Congress a report on the implementation of the strategic plan required in subsection (a) of this section.

(2) **SCOPE OF IMPLEMENTATION REPORTS.**—In preparing such report, the Administrator shall—

(A) analyze the possible and demonstrated accomplishments of IVHS projects in achieving congestion, safety, environmental, and energy conservation goals, as described in the Act;

(B) specify cost-sharing arrangements made, including the scope and nature of Federal investment, in any research, development, or demonstration project under such program;

(C) access nontechnical problems and constraints identified as a result of each such demonstration project; and

(D) include, if appropriate, any recommendations for legislation or modification to the strategic plan required in subsection (a) of this section.

(c) **REPORT TO CONGRESS.**—

(1) **REPORT TO CONGRESS.**—In cooperation with the Attorney General and the Secretary of Commerce, the Administrator shall prepare and submit, within 24 months following the date of the enactment of this Act, a report to Congress addressing the nontechnical constraints and barriers to all aspects of the innovation of such program under this Act.

(2) **SCOPE OF REPORT TO CONGRESS.**—In preparing such report, the Administrator shall—

(A) address antitrust, privacy, educational and staffing needs, liability, standards and other constraints, barriers, or concerns relevant to such program;

(B) recommend legislation and other administrative action necessary to further the Intelligent Vehicle-Highway Systems program under this Act; and

(C) address ways to further promote industry and State and local government involvement in such program.

(3) **UPDATE OF REPORT.**—Within 5 years following such date of enactment, the Administrator shall prepare an update of such report.

SEC. 5. ASSISTANCE TO STATES.

(a) **TECHNICAL ASSISTANCE AND INFORMATION.**—The Administrator is authorized to provide planning and technical assistance and information to State and local governments seeking to demonstrate, use, and evaluate Intelligent Vehicle-Highway Systems technologies. In doing so, the Administrator shall assist State and local officials in developing provisions for implementing areawide traffic management control centers, necessary laws to advance such systems, the infrastructure for such existing and evolving systems, and other necessary activities to carry out the Intelligent Vehicle-Highway Systems Program under this Act.

(b) **PLANNING GRANTS.**—Subject to the availability of funds, the Administrator is authorized to make grants for feasibility and planning studies to be conducted by State and local governments. Such grants shall be made at such time, in such amounts, and subject to such conditions as the Administrator may determine.

(c) **TRAFFIC MANAGEMENT SYSTEMS.**—Any interagency traffic and incident management entity, including independent public authorities or agencies, contracted to a State department of transportation for the implementation of traffic management systems of designated corridors is eligible to receive

Federal transportation funds under this Act through the appropriate State department of transportation.

(d) **FUNDING OF PROJECTS.**—In deciding which demonstrations or operational tests to fund, the Administrator shall—

(1) give the highest priority to those projects that contribute to the national goals and objectives specified in the Intelligent Vehicle-Highway Systems program, minimize the relative percentage of Federal contributions to total project costs, but not including Federal aid funds, and contribute to the national goals and objectives specified in the program's strategic plan required by the Act.

(2) seek to fund operational tests that advance the current state of knowledge and, where appropriate, build on successes achieved in previously funded work involving such programs; and

(3) require that operational tests utilizing Federal funds pursuant to this Act have a written evaluation of the IVHS technologies investigated and key outcomes of the investigation, consistent with the guidelines developed pursuant to section 2(d) of this Act.

(e) **AUTHORITY TO USE FUNDS.**—Each State and eligible local entity is authorized to use Federal aid highway construction and maintenance funds for demonstration and implementation purposes in connection with the Intelligent Vehicle-Highway Systems' program.

SEC. 6. APPLICATIONS OF TECHNOLOGY.

(a) **CONGESTED CORRIDORS PROGRAM.**—The Administrator shall designate transportation corridors in which application of Intelligent Vehicle-Highway Systems will have particular benefit and, through financial and technical assistance, shall assist in the implementation of such systems. In designating such corridors, the Administrator shall focus on automatic vehicle identification, electronic toll collection, highway advisory radio, variable message signage, advanced traveller information systems, and other steps that would reduce congestion and promote a smoother flow of traffic throughout the corridors.

(b) **PRIORITIES.**—In designating and providing funding for such corridors, the Administrator shall allocate not less than 50 percent of the funds appropriated pursuant to this section to eligible State or local entities for application in not less than 3 but not more than 10 corridors with the following characteristics:

(1) traffic density (as a measure of vehicle miles travelled per road mile) at least 1.5 times the national average;

(2) severe or extreme nonattainment for ozone, as determined by the Administrator of the Environmental Protection Agency pursuant to the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (104 Stat. 2399 et seq.);

(3) a variety of types of surface transportation facilities, such as highways, bridges, tunnels, toll and non-toll;

(4) inability to significantly expand existing surface transportation facilities;

(5) a significant mix of passenger, public transportation, and commercial motor carrier traffic;

(6) complexity of traffic patterns; and

(7) potential contribution to the implementation of the Administrator's strategic plan developed pursuant to section 4 of this Act.

(c) **ADDITIONAL FUNDING.**—The balance of funds provided under this section shall be allocated to eligible State or local entities for application in corridors with a significant

number of the characteristics listed in subsection (a) of this section.

SEC. 7. AUTHORIZATIONS.

(a) **CONGESTED CORRIDORS PROGRAM.**—For the congested corridors program under section 6, there is authorized to be appropriated for fiscal year 1992, and each of the next following 4 fiscal years, from the Highway Trust Fund, \$150,000,000.

(b) **GENERAL AUTHORIZATION.**—For carrying out the provisions of this Act, other than section 6, there is authorized to be appropriated for fiscal year 1992, and each of the next following 4 fiscal years, from the Highway Trust Fund, \$100,000,000.

(c) **EXEMPTION.**—Funds provided pursuant to subsection (a) and (b) of this section shall be exempted from any limitation on obligations for Federal aid highways, and highway safety construction programs, and shall remain available until expended.

(d) **RESERVATION OF FUNDS.**—Of the funds provided pursuant to subsections (a) and (b) of this section, not less than 5 percent shall be reserved for innovative, high-risk operational or analytical tests that do not attract substantial non-Federal commitments but are determined by the Administrator as having significant potential to help accomplish long-term goals established by the strategic plan prepared pursuant to section 4 of this Act.

(e) **FEDERAL SHARE PAYABLE.**—The Federal share payable on account of activities authorized pursuant to this Act shall not exceed 80 percent of the cost. The Administrator may waive this restriction for projects undertaken pursuant to subsection (d) of this section.

SEC. 8. DEFINITIONS.

For the purposes of this Act, the term—

(1) "Intelligent Vehicle-Highway Systems" means the development or application of electronics, communications, or information processing, including, but not limited to, advanced traffic management systems, advanced traveller information systems, and advanced vehicle communications systems, used singly or in combination to improve the efficiency and safety of surface transportation systems; and

(2) "corridor" means any major transportation route which includes some combination of closely parallel limited access highways, major arterials, or transit lines; and, with regard to traffic incident management, it may also refer to more distant transportation routes that can serve as viable options to each other in the event of traffic incidents.

[U.S. General Accounting Office]

SMART HIGHWAYS: AN ASSESSMENT OF THEIR POTENTIAL TO IMPROVE TRAVEL

(Report to the Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. Senate, May 1991)

EXECUTIVE SUMMARY

Purpose

The nation's highways, streets, and transit systems provide a basic source of mobility for the citizens of this country. However, congestion problems from the growth of automobile ownership and use now threaten this mobility. Experts estimate that delays from congestion alone result in productivity losses of up to \$100 billion annually. Other negative effects include accident-related fatalities, increased air pollution, and inefficient fuel consumption. In a previous report, GAO noted several possible areas for federal

action aimed at reducing traffic congestion.¹ One such approach involves the development and application of intelligent vehicle and highway systems (IVHS), more commonly known as smart highways. The goal of IVHS is to provide technology-based approaches that enhance the overall effectiveness of the nation's surface transportation system.

Over the next few years, the Congress will have the opportunity to consider the appropriateness of federal support for IVHS through both surface transportation appropriations and reauthorization legislation. This study, conducted for the Senate Appropriations Subcommittee on Transportation, is aimed at assisting in such deliberations. Specifically, this review provides a detailed examination of both the potential of these technologies to improve traveling conditions and the obstacles that may prevent full realization of this potential.

To achieve this objective, the study addressed the following questions:

What have the major studies concluded about the potential effects of IVHS, and to what extent are these findings empirically based?

What additional information can be learned from IVHS field tests under way?

What major obstacles could impede the realization of transportation benefits possible through IVHS technologies?

Background

Advances in computer and related technologies are now unfolding new possibilities for improving the nature and quality of travel. There are three general clusters of IVHS technologies with application to commuter mobility: advanced traffic management systems, advanced traveler information systems, and advanced vehicle control systems. These technologies involve a spectrum of configurations and capabilities ranging from centralized traffic control centers to driver information systems located in the vehicle to fully automated freeways.

Compared to efforts made by other nations, U.S. support for IVHS, as measured by funding, has been relatively low but is increasing. In fiscal year 1990, the Department of Transportation (DOT) devoted about \$2.3 million to IVHS research. Funding in this area grew to \$20 million for fiscal year 1991. Planning efforts are now under way to consider a substantially enhanced federal IVHS program as part of the 1991 Surface Transportation Act reauthorization, which could total over \$100 million annually by fiscal year 1994.

Results in brief

From its review of 38 major studies completed over the last decade, GAO found that the empirical basis for judging the effects of IVHS is limited but nonetheless positive and promising. The major studies have a high degree of consensus that these technologies can not only improve mobility but, under certain configurations, could also achieve other policy goals of economic benefits, improved safety, energy conservation, and air quality. An additional examination of nine IVHS operational tests under way further revealed an important federal role in ensuring sound evaluations as new IVHS technologies are tested in field settings.

GAO identified three types of barriers—cost, institutional, and technological—that could be critical to the overall success of a domestic IVHS program. In particular, the

proper mix of burden-sharing among private sector interests and federal, state, and local governments for the costs of IVHS—both developmental and operational—must be found. Inappropriate distribution of costs could prevent full realization of the IVHS potential. Further, the ability of various levels of government to work together—and to work in an integrated way with the private sector—represents a key element to the success of an IVHS program.

Principal findings Potential Effects

A broad research consensus exists that IVHS can have noteworthy transportation effects, although the empirical basis for this consensus is limited. The most examined effect was on traffic congestion; 36 of the 38 IVHS studies GAO reviewed examined this effect, and all 36 noted positive congestion benefits likely from IVHS. However, only 4 of the studies provided results based on direct field testing, while the other results were based on either analytical projections (19 studies) or expert opinion (17 studies).

Findings were most reported on the congestion effects attributable to near-term technologies (for example, advanced traffic management systems and advanced traveler information systems), and these results indicated that a wide range of moderate gains are possible—such as a 2-percent to 50-percent improvement in travel time—depending on the circumstances surrounding the technologies' deployment. Conversely, while less empirical support exists on the possible effects of long-term options (namely, automated freeway systems), one major simulation study of advanced vehicle control systems found dramatic possibilities in terms of capacity and safety improvements, such as a doubling of freeway capacity. This report did, however, caution about the potentially travel-inducing aspects of these systems, which could counteract some of the capacity gains.

While other effects were less frequently assessed than congestion, several studies did provide preliminary indications of effects possible in the areas of economic benefits, human safety, fuel savings, and environmental quality. Empirical examination of these other effects were similarly positive, although notes of caution were raised as well. For example, while simulation studies in Europe have found a potential reduction in accidents from IVHS, other authors have nonetheless warned of potentially adverse safety effects of having screens located in the vehicles.

Field Test Evaluations

Several operational tests are under way around the country to gain a better understanding of IVHS technologies. These will produce additional evaluative information, mostly on near-term advanced traffic management systems, although some operational tests involve advanced traveler information and automated freeway control. A review of these projects' evaluation designs reveals how important the role of the federal government is in ensuring that sound information is gathered from both major field tests and locally orchestrated projects. The Pathfinder and TRAVTEK projects provide examples of the conduct and evaluation of major field tests to gain empirical data on IVHS.

Barriers to Deployment

GAO found that three types of barriers will need to be overcome to ensure full realization of IVHS benefits. One critical obstacle is the possible lack of the needed resources to finance the deployment of IVHS tech-

nologies. This barrier encompasses cost burdens associated with the anticipated federal involvement, resource limitations at the state and local level, an uncertain consumer market, and possible liability problems. While initial funding for research and testing has been forthcoming, a more detailed analysis is needed of the costs and benefits of IVHS before each party (federal, local, and private) can be expected to commit to the \$34 billion investment estimated for IVHS over the next 20 years.

The difficulty of integrating and coordinating the myriad systems, resources, and initiatives needed to plan and implement IVHS is another likely barrier. Indeed, the ability of the various institutions to work together is crucial to success. For example, DOT will have to execute the complex and sensitive work of technically guiding an integrated national program while encouraging decentralized private sector research. Further, both the government (federal, state, and local) and private sector will have to develop interorganizational agreements that allow for cooperation.

The third obstacle to an effective IVHS program is the arduousness of setting technological standards. Since there is general agreement in the field that IVHS does not depend on any major technological breakthroughs, the critical technological barrier is that of standard-setting. As with institutional barriers, resolving a lack of consensus related to standards will require cooperation and coordination among participants.

Recommendations

GAO concludes that IVHS technologies hold promise for improving the nation's surface transportation system. However, while some empirical evidence of their effectiveness exists, there are numerous uncertainties regarding the likely success of a domestic IVHS program. For this reason, GAO supports an aggressive research and testing program over the course of the Surface Transportation Act reauthorization period (1992-96) in order to gain a firmer understanding of the potential of IVHS before major deployment decisions are made. GAO makes three legislative recommendations aimed at ensuring that important considerations are addressed during this crucial research and testing period.

First, IVHS legislation should explicitly note the goals of improvement in the areas of congestion, safety, the economy, energy, and the environment, and DOT should be required to develop and execute research aimed at determining the role of IVHS technologies in achieving these goals. Second, IVHS legislation should require DOT to select, design, and evaluate high-priority operational field tests in accordance with a strategic IVHS research plan. Third, IVHS legislation should require an analysis of optimal funding options for achieving desired IVHS benefits, and such analysis should include a consideration of alternative federal, local, and private partnership arrangements.

The next few years will offer an opportunity to find answers to some core questions regarding the application of IVHS technologies to the nation's highways. Consequently, federal policy should be aimed at guiding the development of evaluative information that will allow for, among other benefits, knowledgeable decisions about the appropriate federal investment in IVHS and how best to target it.

Agency comments

At the request of the committee, GAO did not obtain formal agency comments on this report.*

¹U.S. General Accounting Office, *Traffic Congestion: Federal Efforts to Improve Mobility*, GAO/PEMD-90-2 (Washington, DC: December, 1989).

• Mr. DURENBERGER. Mr. President, I would like to commend Senator MOYNIHAN, the leadership of the Environment and Public Works Committee, and the administration for placing a greater emphasis on intelligent vehicle-highway systems [IVHS] in their proposals for the upcoming surface transportation reauthorization. However, I firmly believe that we need a stronger Federal commitment to advance IVHS technology. In order to one day fully realize the benefits this technology has to offer our travelers, we must first commit ourselves to the advancement of the technology, its practical use in field testing, and an evaluation process that allows us to learn the benefits and any possible drawbacks before major deployment decisions are made.

As we finish building our Interstate System, we find that we can no longer build our way out of congestion. However, the technology currently exists in the area of intelligent vehicle-highway systems [IVHS] that can contribute substantially to reducing congestion, while promoting increased safety and capacity, environmental concerns, and air quality. Therefore, today, Senator LAUTENBERG and I are introducing legislation which would insure adequate funding for research, development, and testing of IVHS technology.

Currently, the United States lags far behind Europe and Japan in its efforts. It will take substantial investment to match those initiatives and begin to realize the safety and efficiency benefits of IVHS in this country.

Minnesota has already taken a bold step forward to play a leading role in the implementation of IVHS technology with its Guidestar Program. The goals of the Guidestar Program are to utilize advanced technology to combat growing congestion and to improve safety on all Guidestar corridors. Minnesota has been successfully using advanced technology in traffic management programs for several years. The results of these efforts show accident reductions of 30 percent and speed increases of 25 percent for specific freeways. Overall, Minnesota has had the lowest fatality rate in the Nation for several years and will continue to promote a further reduction in Minnesota fatalities with new Guidestar initiatives. Because of Minnesota's commitment to IVHS technology, the country will reap the rewards of studying a complete application of IVHS technology in a metropolitan area within the next few years.

Real life implementation is the key to realizing how we can all benefit from IVHS technology. To best achieve well-informed decisions in the future application of this technology, we must encourage and facilitate more projects such as Minnesota's Guide-star Program. Therefore, a clear Federal role is

imperative to ensure that an integrated system ultimately emerges.

The Lautenberg-Durenberger bill offers the needed funding for an aggressive research and testing program over the course of the Surface Transportation Act reauthorization period. I encourage my colleagues to take that first step toward addressing the problems inherent to our highway system in its current form. •

By Ms. MIKULSKI:

S. 1000. A bill to ensure that the recommendations of the Commission on the Consolidation and Conversion of Defense Research and Development Laboratories are available for consideration before any action is taken to close or realign Department of Defense laboratories pursuant to the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

DEFENSE RESEARCH INSTALLATIONS

• Ms. MIKULSKI. Mr. President, today I am introducing legislation that would prohibit any action on the closing or consolidation of defense research installations until the Commission on the Consolidation and Conversion of Defense Research and Development Laboratories issues its report.

This is in no way an effort to thwart the base and lab consolidation effort of the Department of Defense. We need to cut defense spending by closing bases and to increase efficiency through consolidation of operations. These are tough decisions, but they need to be made.

I want to be sure, however, that the process outlined by the Congress in the fiscal year 1991 defense authorization bill is followed and that all decisions be thoroughly researched and well informed. This legislation simply requires the appropriate decisionmaking process. •

By Ms. MIKULSKI:

S. 1001. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Relations.

INTEGRATION OF WOMEN IN THE DEVELOPMENT PROCESS IN DEVELOPING COUNTRIES

• Ms. MIKULSKI. Mr. President, today I am introducing legislation to increase the participation of women in Third World economic development programs. The bill is similar to legislation I introduced in 1989, elements of which have been included in the fiscal years 1989-91 foreign operations appropriations bills. The current provisions will expire with the appropriations bill.

In view of the very stringent budget limits we are facing, we need to make sure that every tax dollar is spent to best advantage. This is especially true in our foreign assistance programs, which have an extremely broad mission and are usually the first target of budget cuts.

There are two basic reasons for directing more of our assistance toward women. One is simple fairness. Tradition and legal restrictions make it difficult in many countries for women to improve their living conditions. Women are the poorest, hardest working, least educated, and unhealthiest people in the Third World, yet they receive less assistance than men.

Second, if we are to get the most from our assistance dollars, particularly in agricultural programs, it is clear that we must direct our aid at the people who are doing most of the work—women. The U.S. Agency for International Development's own research has shown that the greater the involvement of women, the more successful the assistance project.

Women are responsible for 80 to 90 percent of food production in Africa, but in AID-funded training programs in Africa in the late 1980's, only 21 percent of the participants were women. The figures in Asia and Latin America are similar.

In Third World countries women not only handle the household chores but also earn an income to provide for their families' basic needs. Generally, women work from 10 to 12 hours per day—2 to 4 hours more than men—walking several miles to find water and fuel, weeding, planting, hoeing, marketing food and other goods, caring for children, preparing food, and doing many other jobs.

Dollar for dollar, aid directed to women will bring a greater return than other aid programs, and the assistance we provide has a ripple effect on local society which goes far beyond simple economics.

For example, take the case of a weaving project in Kenya that was funded at a modest \$10,000. In addition to teaching marketable skills and providing extra income for women employees and their families, the weaving job is so important to these women that they will do whatever they can to keep from having more children and jeopardizing that job. Since Kenya has one of the highest birth rates in the world, this byproduct of the weaving project is extremely significant. The weaving center has also become a focal point for health care. Volunteer doctors visit the factory regularly, an ambulance comes to the plant for group inoculations, and villagers not employed at the plant gather there to take advantage of these services. Finally, employment at the factory has created enough self-confidence among the workers that several have run for local council posts.

AID officials have instituted new efforts—some unilateral, some as a result of requirements in appropriations legislation. AID deserves credit for its actions to date, but much more needs to be done.

The legislation I am introducing today funds women in development ac-

tivities through AID and two U.N. agencies. It also sets forth policy goals and guidelines for AID to follow in order to increase the integration of women into its development programs. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women in Development Act of 1991".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Women in developing countries play multiple and vital roles in economic development, but in many development activities their roles have been overlooked, ignored, or displaced.

(2) The full participation of women in, and the full contribution of women to, the development process are essential to achieving growth, a more equitable distribution of resources and services to meet basic needs, a higher quality of life in developing countries, and sustainable development.

(3) In developing countries, the income earned by women is crucial to their individual self-reliance, to raising the standard of living of their families, to the overall development of their community and society, and to strengthening national economies.

(4) Achievement of development goals is being retarded by the failure to effectively integrate women in development activities.

(5) Research shows that when women's participation in development activities is high, project success and sustainability tend to be high; when participation is low, project success and sustainability tend to be moderate or low. Therefore, the cost-effectiveness and efficiency of United States bilateral and multilateral development assistance can be increased by improving the integration of women in all stages of the development process.

(6) In food production, low-resource women farmers provide the critical labor and offer the best hope for increasing food supplies in many developing countries; however, their contributions have been limited by a lack of access to appropriate extension, credit, and marketing services.

(7) A serious deficiency now exists in United States and other international development programs; that is, a lack of basic education, vocational training and health instruction for girls in the approximate age group of five to fifteen years.

(8) Women are a major source of entrepreneurial talent in the informal sectors of development countries and, with access to training, credit, and other forms of assistance, are expected to account for much of the growth in the private sector.

(9) United States and indigenous private and voluntary organizations have demonstrated effectiveness in strengthening women's organizations in developing countries through the development of managerial and analytical capabilities.

(10) The Agency for International Development states that its policy is to promote full involvement of women as participants and beneficiaries in all of the projects, institutions, and development processes supported

by the Agency. Although the Agency issued a policy paper in 1982 which provided guidelines for increasing the participation of women in the development process, in actual practice the integration of women received low priority in relation to other mandates. Beginning in 1988, however, the Agency increased its efforts to involve women in its development programs.

(11) The Agency for International Development lacks adequate accountability or management mechanisms to ensure that the women in development policy is in fact being fully implemented.

(12) In order to improve integration of women in the Agency's development activities, the Agency must continue to increase training to recognize the essential economic roles of women and to develop strategies to incorporate women into all development programs. This training should be extended to all Washington and mission-based policy, program, and project staff who would provide guidance on strategies affecting the goal of involving women in the planning, design, implementation, management, and evaluation of the Agency's development activities, and made available to universities participating in Agency programs, to other United States Government agencies, and to contractors involved in carrying out programs administered by the Agency. In 1988 the Agency began an expanded training program, with encouraging results.

(13) Training programs held in host countries or the United States for project participants are important components of most development projects and reflect the development objectives and strategies of the Agency for International Development. The low representation of women in these training programs impedes their integration in their national economies, limits their current and future productive roles, reduces the effectiveness of United States programs, and constrains overall economic development.

(14) Among United Nations organizations, the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW) have demonstrated that greater support for the productive activities of women can improve the well-being of communities and national economies. The United Nations Development Fund for Women plays a unique and valuable role by developing and replicating projects and ensuring the appropriate involvement of women in mainstream development activities. The International Research and Training Institute for the Advancement of Women serves as a catalytic force within the United Nations to ensure that research and data collection of all United Nations agencies identify women's economic and social roles and potential.

(15) Research has established the value of fully integrating women and the poor in the development process, especially in designing, implementing, and evaluating development projects. Such agencies as the Inter-American Foundation, the African Development Foundation, and the International Fund for Agricultural Development have carried out programs which have achieved a reasonable measure of success in carrying out these objectives.

SEC. 3. STEPS TO BE TAKEN BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) STRENGTHENING WOMEN IN DEVELOPMENT POLICY.—The Administrator of the Agency for International Development shall take the following steps to strengthen the Agency's women in development policy:

(1) Ensure that the Agency seek to incorporate the active participation of local women and local women's organizations in its development activities (including their involvement in the planning, design, implementation, management, monitoring, and evaluation of the activities) in approximate proportion to their traditional participation in the targeted activities or their proportion of the population, whichever is higher.

(2) Instruct Agency staff and contractors to collect sex-disaggregated data for, and include such data in, every country development strategy statement, project identification document, project paper, program assistance identification proposal, program assistance approval document, and policy inventory, as well as all relevant research projects.

(3) Instruct Agency staff and contractors to seek to ensure that country strategies, projects, and programs are designed so that the percentage of women who receive assistance is in approximate proportion to either their traditional participation in the targeted activities or their proportion of the population, whichever is higher.

(4) Instruct Agency staff and contractors that, if a country strategy, program, or project is not designed so that assistance will reach women in the proportion specified in paragraph (3), they must identify in the appropriate document referred to in paragraph (2)—

(A) what the obstacles are to achieving that goal;

(B) what steps are being taken to remove or overcome those obstacles; and

(C) to the extent that steps are not being taken to remove or overcome those obstacles, why they are not being taken.

(5) Ensure that project and program evaluations include an assessment of the extent to which the project integrates women in the development process and of the impact of the project or program on women, including both positive and negative implications of the project or program in enhancing the self-reliance of women and improving their incomes.

(6) Instruct Agency staff and contractors to ensure that country strategies, projects, and programs identify and take advantage of opportunities to assist women in activities that are of critical significance to their self-reliance and development, including (A) appropriate extension and related services to low-resource women who are engaged in subsistence or cash crop production, and (B) training, technical assistance, credit, and other services to strengthen the managerial skills and capabilities of women, with special attention to women's institutions and women entrepreneurs.

(7) Develop and implement a plan to provide training for all Washington and mission-based professional staff that provides guidance on strategies affecting the goal of incorporating women in the planning, design, implementation, management, and evaluation of the Agency's development activities; and require universities participating in programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961, other agencies of the United States Government, and contractors involved in carrying out programs administered by the Agency to develop and implement plans to achieve that goal.

(8) In the case of education or training provided in the host country or the United States for project participants, increase training opportunities for women and make every necessary provision for addressing the specific needs of women.

(9) Ensure that the necessary steps are taken so that each of the preceding paragraphs of this subsection will be fully implemented as soon as possible but no later than by the end of fiscal year 1995, except that the following targets shall be set for implementing paragraph (9): a minimum of 40 per centum of the trainees should be women by the year 1992, and a minimum of 50 per centum of the trainees should be women by the year 1993.

(10) Increase the participation of young girls in education and training programs, use incentives to encourage host countries to include girls in their programs and consider withholding assistance for programs which do not include girls as equal participants. If the Agency is unable to fulfill this directive, it must report to the Congress on the reasons why this policy cannot be carried out.

(11) In order to get the greatest benefit from United States aid dollars and avoid duplication of effort, instruct Agency staff to make the maximum use of data, program design, and management structure already established by multilateral institutions or other national agencies.

(12) Establish within the Agency a permanent task force on women in development. The task force shall consist of the director of the Women in Development office and senior-level staff from each of the regional and technical bureaus who are in decisionmaking positions regarding the integration of women in the operations of their bureau. The task force shall be responsible for—

(A) overseeing the implementation of this Act,

(B) assisting Agency missions in developing strategies to overcome the obstacles to integration of women in the development process that have been identified by the missions, by indigenous people and organizations, and by other evaluations of Agency programs;

(C) designing means for ensuring that staff at all levels of the Agency are subject to appropriate accountability for achieving the goals of incorporating women in the development process; and

(D) establishing specific criteria for measuring and evaluating the Agency's performance in incorporating women in development activities, and developing ways to institutionalize learning within the Agency on women in development activities.

(b) FUNDING FOR WOMEN IN DEVELOPMENT ACTIVITIES.—Section 113(b)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Up to \$10,000,000" and inserting in lieu thereof "Not less than \$10,000,000";

(2) by inserting "and section 667(a)" after "this chapter"; and

(3) by adding at the end the following: "Beginning in fiscal year 1992, not less than \$3,000,000 of the funds used each fiscal year pursuant to this subsection shall be made available as matching funds to support those activities of the missions of the agency which demonstrate potential for integrating women into the programs of those missions."

(c) REPORTS TO CONGRESS.—Not later than March 1, 1993, and every second year thereafter, the Administrator of the Agency for International Development shall report to the Congress on—

(1) the specific steps taken as of the time of the report in implementing each paragraph of subsection (a);

(2) the additional steps to be taken to implement each such paragraph; and

(3) the use of funds pursuant to the amendments made by subsection (b).

SEC. 4. FUNDING FOR CERTAIN UNITED NATIONS ORGANIZATIONS.

In addition to amounts otherwise authorized to be appropriated to carry out chapter 3 of part I of the Foreign Assistance Act of 1961 (relating to international organizations and programs), there is authorized to be appropriated, without fiscal year limitation, \$5,000,000. Of the amounts appropriated pursuant to this section, 80 per centum shall be available only for the United Nations Development Fund for Women and 20 per centum shall be available only for the United Nations International Research and Training Institute for the Advancement of Women.

By Mr. THURMOND:

S.J. Res. 139. A resolution to designate October 1991 as "National Lock-in-Safety Month"; to the Committee on the Judiciary.

NATIONAL LOCK-IN-SAFETY MONTH

• Mr. THURMOND. Mr. President, I am pleased to introduce today a joint resolution designating the month of October 1991 as "National Lock-in-Safety Month."

Burglary and unlawful entry are two of the most prevalent types of criminal activities that have a serious impact on our communities. The value of property stolen each year was estimated in 1989 by the FBI at \$3.4 billion, affecting over 3.1 million homes. The average loss by a homeowner or small business averages \$1,060. Case studies show that criminals are reluctant to enter the premises protected by locks and alarm systems, but unfortunately too many homeowners and small businessmen still don't know that even the simplest of measures can be taken to prevent these burglaries from occurring. Therefore by installing locks and other security devices, homeowners, as well as small businesses, can cut back on this large loss and affect crime statistics as well as the cost associated with this type of criminal activity.

It is for this very reason that the Associated Locksmiths of America [ALOA] has undertaken an industry promotional campaign to designate October as "Lock-in-Safety Month." This campaign will target all citizens around the country to use locks for safety in their homes. Organized community action when in cooperation with local law enforcement officials, and the business community can effectuate positive change. By mobilizing our citizens in an all out effort can help eradicate crime from our homes and our neighborhoods.

ALOA, which was founded in 1956, represents locksmiths in all 50 States and 35 countries around the globe. It is a diverse group representing every facet of the security industry from traditional locksmithing to institutional and corporate security. Seventy-six percent of ALOA members own their own businesses and can help in the promotion of National Lock-in-Safety Month by informing the public about their security options, including automotive, master keying, safes/vaults,

electronic access control, and high security for all types of structures.

Mr. President, it is my hope that "Lock-in-Safety Month" will further highlight the current crime prevention efforts in our communities and help promote a productive relationship between our safety experts, law enforcement agencies, and local residents and businesses.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 139

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas professional locksmiths meet the security needs of all segments of society and take pride in their contributions to a safe environment;

Whereas throughout history locksmithing has been a profession that requires continuing education to keep pace with an evolving technology;

Whereas the demands of physical security in residential, commercial, industrial, and institutional settings require dedicated professionals who work by a code of high ethical standards to provide the best security available;

Whereas professional locksmiths continue to provide a wide range of security products and services, including automotive products, master-keying products and services, safes and vaults, electronic access control products, and high-security products and services for all types of structures;

Whereas professional locksmiths in the United States are represented by the Associated Locksmiths of America, Inc. (ALOA); and

Whereas "National Lock-In-Safety Month" will celebrate the long-standing locksmith profession and salute those locksmith professionals who accept the challenges of providing individuals and organizations with the security necessary to protect their property and give them peace of mind as they go about their daily activities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991, is designated as "National Lock-in-Safety Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities. •

By Mr. WARNER (for himself, Mr. DECONCINI, Mr. GLENN, Mr. INOUE, Mr. COCHRAN, and Mr. ROBB):

S.J. Res. 140. A resolution to designate the week of July 27 through August 2, 1991, as "National Invent America! Week"; to the Committee on the Judiciary.

NATIONAL INVENT AMERICA! WEEK

• Mr. WARNER. Mr. President, in celebration of the soaring spirit of pride in the youth of America and in the wake of our noble success in Desert Storm, I am proud to introduce legislation today to designate July 27 through Au-

gust 2, 1991 "National Invent America! Week."

I can think of no finer hour to introduce this legislation to my colleagues and the Nation than now, as many of America's best and brightest are returning from the Persian Gulf as heroes of the war and of the American can-do spirit.

At the very heart of America's greatness is its inventive and independent spirit. This spirit allowed our first Americans the freedom to forge a new nation that has gone on to lead the world in technology, innovation, and invention. Our Nation's leadership ability and economic vigor throughout the last two centuries has characterized the "never say never" drive of America's inventors and innovators who dared to challenge the unknown and to fight for a better world for all of us.

That very spirit that helped found our Nation can be seen in each young face returning from the Persian Gulf. Because of the Invent America! Program, our young people have been given the opportunity to nurture their entrepreneurial spirit. It is precisely that spirit that allows our Nation to continue to lead the way for others.

As President Bush recently said, "We hear so often about our young people in turmoil; how our children fall short; how our schools fail us; how American products and workers are second class. The America we saw in Desert Storm was first class talent * * * They did it using America's state-of-the-art technology."

It is perhaps impossible to know exactly how many of our young soldiers serving in the gulf participated directly in the Invent America! Program in their schools. But I do know that Invent America! has touched the lives of millions of students in grades kindergarten through eighth grade each year since being launched by President Bush in 1987. Invent America! is now recognized internationally as one of the most successful public-private partnerships expanding student knowledge and innovation.

As testimony to Invent America!'s international recognition, two winners in the program, Brad Bolerjack of Lockport, IL and Katherine Szudy of Parma, OH, have been awarded highest honors in the Japanese Institute of Invention and Innovation's Fourth World Competition and exhibition of Young People's Inventions in Tokyo.

These bright young American students' inventions were selected from more than 200 entries from 30 nations as 2 of 11 world class winners invited by the Japanese to receive their awards in Tokyo. I salute Brad and Katherine and Invent America! for a job well done.

Today President Bush serves as honorary chairman for the Invent America! Program which is available to all of our Nation's 31 million children

through this critical public-private sector partnership. The Invent America! Program is designed and administered by the nonprofit U.S. Patent Model Foundation located in Alexandria, VA. Funding for Invent America! is provided by corporations such as; Kmart, Pepsi-Cola, and Polaroid.

This summer, Invent America! will host its 45 regional finalists in the 1991 Invent America! Competition during a week-long celebration in our Nation's Capital. The highlight of Invent America! Week is the annual Congressional Ice Cream Social and the National Awards Ceremony announcing the nine best student inventors in America.

It is a pleasure to take this opportunity to honor our Nation's young people and to urge my colleagues to join with me in designating the week of July 27 through August 2, 1991 as National Invent America! Week. •

By Mr. WARNER (for himself, Mr. MURKOWSKI, Mr. INOUE, Mr. CONRAD, Mr. SHELBY, Mr. STEVENS, and Mr. HOLLINGS):

S.J. Res. 141. Joint resolution to designate the week beginning July 21, 1991, as "Korean War Veterans Remembrance Week"; to the Committee on the Judiciary.

KOREAN WAR VETERANS REMEMBRANCE WEEK

• Mr. WARNER. Mr. President, I rise today not only as a Senator but also as a Korean war veteran to introduce legislation to commemorate the week beginning July 21, 1991, as "Korean War Veterans Remembrance Week."

In June 1950, the United States took prompt action to add its Armed Forces to those of the Republic of Korea in order to counter the attack by North Korea. A total of 20 members of the United Nations would eventually band together to preserve the liberty of the Republic of Korea.

After 3 years of bitter hostilities, hampered by freezing temperatures and arduous terrain, the freedom and independence of the Republic of Korea was ensured. During this time, more than 5,700,000 U.S. service members had been involved in the war. American casualties totaled 54,246 dead, 103,284 wounded, 8,177 listed as missing in action or prisoners of war.

I introduce this legislation just 1 day after the ceremony of the striking of the first Korean War Memorial Coin. This was undertaken in Philadelphia by the chairman of the Korean War Veterans Memorial Advisory Board, Gen. Richard G. Stilwell. He was joined by representatives of the National Veteran Service organizations as well as representatives of the Republic of Korea. Proceeds from the sale of these commemorative coins will fund the Korean War Veterans Memorial, which will be erected opposite the Vietnam Memorial on the Mall.

The last day of the commemorative week, July 27, will mark the 38th anni-

versary of the cease-fire agreement between the United Nations and the Communist forces.

Mr. President, American citizens have had much cause to celebrate the victory of the allied forces in the Persian Gulf, of which our own Armed Forces were the leaders. We must remember that the devotion of the American soldier displayed so clearly in this most recent conflict is not unprecedented. The service members of today are fulfilling the legacy left them by earlier generations. It is fitting that we should pause to pay tribute to the heroes of an earlier conflict.

The Korean war is often known as the "Forgotten War" because it followed the jubilant victory of World War II and preceded the protracted and divisive conflict in Vietnam. But we are taught to revere history and to learn from it. The bitterness of the conflict and extent of sacrifice must not be forgotten. The Korean war veteran must not be forgotten. •

ADDITIONAL COSPONSORS

S. 100

At the request of Mr. DECONCINI, his name was added as a cosponsor of S. 100, a bill to set forth United States policy toward Central America and to assist the economic recovery and development of that region.

S. 129

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 129, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer.

S. 140

At the request of Mr. WIRTH, the names of the Senator from Washington [Mr. ADAMS] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 152

At the request of Mr. COATS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to \$4,000.

S. 257

At the request of Mr. METZENBAUM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 257, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 284

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 284, a bill to amend the Internal Reve-

nue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 315

At the request of Mr. KASTEN, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 315, a bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals.

S. 449

At the request of Mr. D'AMATO, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 449, a bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland.

S. 518

At the request of Mr. GRAHAM, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 518, a bill to amend title XVIII of the Social Security Act to expedite the payment of claims under such title by increasing the level of interest paid on late payments to providers under such title, and for other purposes.

S. 583

At the request of Mr. ROTH, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 583, a bill to amend the Internal Revenue Code of 1986 to require the recapture of certain losses of savings and loan associations, to clarify the treatment of certain Federal financial assistance to savings and loan associations, and for other purposes.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 615, a bill entitled the "Environmental Marketing Claims Act of 1991."

S. 701

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for the dependent children under age 18 to \$3,500, and for other purposes.

S. 730

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 730, a bill to provide for the reduction of metals in packaging.

S. 832

At the request of Mr. GORTON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 832, a bill to authorize the Secretary of Commerce to develop and expand new national markets for recycled paper

and other commodities; and to carry out a program requiring Federal departments to procure and use recycled paper and paper products in carrying out their functions.

S. 843

At the request of Mr. BREAUX, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 869

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 869, a bill to amend title 38, United States Code, to improve the availability of treatment of veterans for post-traumatic stress disorder; and for other purposes.

S. 874

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 874, a bill to amend the Public Health Service Act to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations, and for other purposes.

S. 878

At the request of Mr. DOB, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 878, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children, and for other purposes.

S. 882

At the request of Mr. SARBANES, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 882, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 to mandate a 4-year grant cycle and to require adequate notice of the success or failure of grant applications.

S. 890

At the request of Mr. KENNEDY, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Dakota [Mr. BURDICK], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 890, a bill to reauthorize the Star Schools Program Assistance Act, and for other purposes.

S. 897

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 897, a bill to amend the Indian Health Care Improvement Act, the Public Health Service Act, and the Social Security Act to provide for the establishment of nursing school clinics to provide primary health care services in

medically underserved rural areas and to Native Americans, and for other purposes.

S. 902

At the request of Mr. BRADLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the medicaid program.

S. 964

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 964, a bill to establish a Social Security Notch Fairness Investigatory Commission.

S. 971

At the request of Mr. DECONCINI, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 971, a bill to promote the development of microenterprises in developing countries.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from California [Mr. SEYMOUR], the Senator from Tennessee [Mr. SASSER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from Nevada [Mr. BRYAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Nevada [Mr. REID], the Senator from North Carolina [Mr. HELMS], and the Senator from Georgia [Mr. FOWLER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May 1991, as "National Foster Care Month."

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the names of the Senator from Florida [Mr. MACK], the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. SANFORD], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 67

At the request of Mr. THURMOND, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of Senate Joint Resolution 67, a joint resolution to recognize and commemorate the centennial of the Immigration and Naturalization Service.

SENATE JOINT RESOLUTION 89

At the request of Mr. LUGAR, his name was added as a cosponsor of Senate Joint Resolution 89, a joint resolution expanding United States support for the Baltic States.

SENATE JOINT RESOLUTION 94

At the request of Mr. BROWN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 94, a joint resolution relative to Iraq.

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 111

At the request of Mr. BRADLEY, the names of the Senator from Florida [Mr. MACK], the Senator from Alabama [Mr. SHELBY], and the Senator from New York [Mr. MOYNIHAN], were added as cosponsors of Senate Joint Resolution 111, a joint resolution marking the 75th anniversary of chartering by act of Congress of the Boy Scouts of America.

SENATE JOINT RESOLUTION 114

At the request of Mr. GARN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CRAIG], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Utah [Mr. HATCH], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], and the Senator from South Carolina [Mr. THURMOND], were added as cosponsors of Senate Joint Resolution 114, a joint resolution to designate May 1991 as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 117

At the request of Mr. LAUTENBERG, the names of the Senator from Colorado [Mr. BROWN], the Senator from North Dakota [Mr. BURDICK], the Senator from Ohio [Mr. GLENN], the Senator from Florida [Mr. GRAHAM], the

Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. PRYOR], the Senator from Alabama [Mr. SHELBY], and the Senator from Pennsylvania [Mr. SPECTER], were added as cosponsors of Senate Joint Resolution 117, a joint resolution to designate December 7, 1991, as "National Pearl Harbor Remembrance Day," on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the names of the Senator from Virginia [Mr. ROBB], the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. GARN], the Senator from Maine [Mr. MITCHELL], and the Senator from Georgia [Mr. FOWLER], were added as cosponsors of Senate Joint Resolution 121, a joint resolution designating September 12, 1991, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 124

At the request of Mr. BRADLEY, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Maine [Mr. COHEN], the Senator from Utah [Mr. GARN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from California [Mr. CRANSTON], were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate "National Visiting Nurse Associations Week," for 1992.

SENATE JOINT RESOLUTION 130

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia [Mr. NUNN], and the Senator from Nebraska [Mr. EXON], were added as cosponsors of Senate Joint Resolution 130, a joint resolution to designate the second week in June as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 132

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa [Mr. GRASSLEY], was added as a cosponsor of Senate Joint Resolution 132, a joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. BENTSEN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. AKAKA], the Senator from Nevada [Mr. REID], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mr. GRAMM], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], the Senator from Kentucky [Mr. FORD], the Senator from Arkansas [Mr. BUMPER], the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. SASSER], the Senator from Tennessee [Mr. GORE], the Senator from

Vermont [Mr. JEFFORDS], the Senator from Alabama [Mr. SHELBY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alaska [Mr. STEVENS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Michigan [Mr. LEVIN], the Senator from Delaware [Mr. ROTH], the Senator from California [Mr. SEYMOUR], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. SANFORD], the Senator from Georgia [Mr. NUNN], the Senator from Florida [Mr. GRAHAM], the Senator from Wisconsin [Mr. KOHL], the Senator from Wyoming [Mr. SIMPSON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Rhode Island [Mr. PELL], the Senator from Iowa [Mr. GRASSLEY], the Senator from Maine [Mr. MITCHELL], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Arizona [Mr. MCCAIN], the Senator from Montana [Mr. BURNS], the Senator from Nevada [Mr. BRYAN], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of Senate Joint Resolution 134, a joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. CRAIG, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Concurrent Resolution 24, a concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. KERRY, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution calling for the United States to support a new agreement among the Antarctic Treaty Consultative Parties which would provide comprehensive environmental protection of Antarctica and would prohibit indefinitely commercial mineral development and related activities in Antarctica.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LAUTENBERG, the names of the Senator from Indiana [Mr. COATS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DIXON, the names of the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mr. GRAMM], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Arizona [Mr. MCCAIN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Resolution 103, a resolution relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

SENATE CONCURRENT RESOLUTION 34—AUTHORIZING THE SPECIAL OLYMPICS TORCH RELAY THROUGH THE CAPITOL GROUNDS

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 34

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 17, 1991, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1991 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics spring games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

SENATE RESOLUTION 120—COM-MENDING THE KANSAS STATE UNIVERSITY DEBATE TEAM

Mr. DOLE (for himself and Mrs. KASSEBAUM) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas all Kansans can take pride in the achievements of the Kansas State University debate team—thirteen of the fourteen team members are Kansas residents who have graduated from Kansas high schools.

Whereas the undefeated team of Richard McCollum and David Filippi won the national title by defeating the University of California at Los Angeles in the final round of the National Cross Examination Debate Association.

Whereas the team set the national record for the highest total wins at individual tournaments during the season.

Whereas six teams were successful in qualifying for the elimination rounds.

Whereas Martin Horn and Dan Molden were selected for the roster of the top ten individual speakers during the tournament,

along with Richard McCollum and David Filippi.

Whereas this championship is one in a long line of recent accomplishments for the students at Kansas State University.

Whereas Kansas State ranks in the top 1 percent of all U.S. universities, public or private, in the number of students to receive Rhodes scholarships.

Whereas Kansas State is the only public university to have two Rhodes scholars in 1990 and two Marshall scholars in 1991.

Whereas Kansas State is also first in the Big Eight in the number of Marshall scholars over the past 10 years and tied for first place for the highest number of Truman scholars.

Whereas Kansas, and the Nation, will continue to benefit from the continued commitment to excellence at Kansas State University: Therefore, be it

Resolved, That today the United States Senate pays tribute to the Kansas State University debate team, winners of this year's national debate championship.

SENATE RESOLUTION 121—RELATIVE TO PEACE IN ANGOLA

Mr. DECONCINI submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 121

Whereas the people of Angola have never enjoyed the right to select their own government through free and fair elections;

Whereas on May 1, 1991, representatives of the Government of the People's Republic of Angola and the National Union for the Total Independence of Angola (UNITA) initialed an agreement establishing a permanent cease-fire in May 1991 and the holding of free and fair elections during the period of September and October 1991;

Whereas the agreement would not have been achieved without the effective mediation of the Government of Portugal and the participation of the governments of the United States and the Soviet Union; and

Whereas it is the bipartisan support of the United States Congress which enabled the President effectively to encourage dialogue and compromise with the Soviet Union, the Government of the People's Republic of Angola, and UNITA: Now, therefore, be it

Resolved, That (a) the Senate supports the historic transition to multiparty democracy in Angola.

(b) It is the sense of the Senate that such support should continue to be bipartisan and be dedicated to implementing the cease-fire in Angola and ensuring a free and fair election in that country, including—

(1) support for United Nations Peacekeeping Forces, handling of the census, voter education, democratic institution-building, and election monitoring; and

(2) humanitarian support to the civilian population in Angola.

(c) It is further the sense of the Senate that, upon the completion and validation of free and fair elections, the President should, on behalf of the United States, recognize and establish full diplomatic relations with the duly elected Government of Angola.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

AMENDMENTS SUBMITTED

CONSUMER PROTECTION AGAINST PRICE-FIXING ACT

BROWN AMENDMENT NO. 90

Mr. BROWN proposed an amendment to the bill (S. 429) to amend the Sherman Act regarding retail competition, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as "The Consumer Protection Against Price-Fixing Act of 1991".

SEC. 2. The Congress finds that—

(1) consumer welfare is greatly enhanced by an ability to purchase goods and services at lower prices as a result of vigorous price competition;

(2) vertical price restraints generally have an adverse impact on competition that results in higher consumer prices;

(3) recent court decisions have so narrowly construed the laws against vertical price restraints that consumer welfare has been put in jeopardy; and

(4) it is necessary to enact legislation that protects the interests of consumers in vigorous price competition while recognizing the needs of manufacturers and others to maintain reasonable service, quality and safety standards.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical locations, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or services in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon."

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of nonprice vertical restraints.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a bill has been added to the hearing before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources scheduled to take place Wednesday, May 15, 1991, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, Washington, DC. In addition to the three bills previously announced—S. 586, S. 711, and H.R. 355—the subcommittee will also receive testimony on S. 404, a bill to amend the Warren Act.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 21, 1991, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following measures currently pending before the subcommittee. The bills are:

S. 52 and H.R. 1143, to direct the Secretary of the Interior to prepare a national historic landmark theme study on American labor history;

S. 550, to amend the act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes;

S. 638 and H.R. 749, to authorize the Secretary of the Interior to accept a donation of land for addition to the Ocumulgee National Monument in the State of Georgia;

S. 639 and H.R. 904, to direct the Secretary of the Interior to prepare a national historic landmark theme study on African-American history;

S. 663, to amend the act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, ID, to use certain lands for a correctional facility for women, and for other purposes;

S. 749, to rename and expand the boundaries of the Mound City Group National Monument in Ohio;

S. 996, to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River; and for other purposes;

H.R. 427, to disclaim any interests of the United States in certain lands on San Juan Island, WA, and for other purposes; and

H.R. 690, to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council

House National Historic Site, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 7, 1991, at 10 a.m., to hold a hearing on habeas corpus reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, May 7, 1991, at 10 a.m. to conduct a hearing on legislation to reform the deposit insurance system and the commercial banking system.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet on Tuesday, May 7, 1991, at 3 p.m., to review and evaluate modernization requirements and acquisition plans for Navy carrier aviation in review of the fiscal years 1992-93 national defense authorization requests.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 7, 1991, at 2 p.m. to hold a hearing on President Bush's response to issues concerning the proposed free-trade agreement with Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, May 7, 1991, at 2:30 p.m. to conduct a hearing on the nomination of Lawrence Lindsey to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet in open session on Tuesday, May 7, 1991, at 9:30 a.m., to receive testimony on the defense critical technologies plan, in review of the fiscal years 1992-93 national defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 7, 1991, at 9:30 a.m. on the failure of Executive Life Insurance Co.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS, AND ALCOHOLISM

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, May 7, 1991, at 9:30 a.m., for a hearing on coordination of children's services and the HHS reorganization plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 7, at 2:45 p.m. or immediately after the cloture vote in relation to S. 429, to vote on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GOVERNOR THOMPSON AND THE WISCONSIN EXAMPLE

• Mr. KASTEN. Mr. President, all Wisconsinites can be proud of the achievement of Gov. Tommy Thompson. He has brought our State back to economic basics, reducing taxes and extending a warm welcome to workers

and businesses who want to pursue a future of growth and prosperity in the Badger State.

Governor Thompson knows that economic growth is the key to social progress and the building of a compassionate community. In a recent interview in the periodical Policy Review, he outlined his ideas and achievements.

This article provides an excellent model for other States, and a challenge for our National Government. I recommend it to all my colleagues, and therefore ask that it be included in the RECORD at this point. I also ask that an important article about Governor Thompson by Paul Gigot of the Wall Street Journal be included in the RECORD.

The articles follow:

LAND OF MILK AND MONEY—GOV. TOMMY THOMPSON'S WISCONSIN SHOWCASE (An interview by Adam Meyerson)

One of the ironies of modern politics is that the state of Wisconsin, earlier this century the shrine of Progressivism, is today the showcase of conservative policy ideas. Under Republican Tommy Thompson, Wisconsin has combined economic dynamism with a boldly experimental approach to education and welfare reform. Wisconsin is the only state in the nation whose welfare rolls declined last year. And while public school choice is sweeping many states, Wisconsin, with a pilot program in Milwaukee, is a pioneer in offering vouchers that students can use at private as well as public schools.

Thompson's policies seem to be popular. A conservative Republican in a state with a strong liberal tradition, Thompson last November was reelected to his second four-year term with 58 percent of the vote. He carried 67 of 72 counties, and picked up 25 percent of the black vote. Thompson has also attracted attention through his unusual coalition on school vouchers with State Representative Polly Williams, who was Jesse Jackson's state chairman and has close ties with militant black separatists in Milwaukee.

Thompson was interviewed in January 1991 in his Madison office by Policy Review editor Adam Meyerson.

Policy Review: With unemployment at slightly over 4 percent, a relatively untroubled real estate market and banking system, and a boom in industrial exports, Wisconsin has recently enjoyed one of the strongest state economies in the nation; and, like most of the Midwest, your state has so far been less affected by recession than other sections of the country. What changes in national economic policy have contributed most to the turnaround of the Wisconsin economy? What changes in state policy have been most important?

THOMPSON: The most helpful change in national policy has been the declining value of the dollar. We're one of nine states now that have a trade surplus of at least a half billion dollars. A lower dollar helped our export industries be more competitive.

The most important changes for Wisconsin, though, have been in state policy. We've gone from a business-bashing bashing state to a very friendly place to do business. I ran for governor on a pro-business platform—against the advice of people who said you can't win in Wisconsin doing that. And I twice proved them wrong.

One of my main priorities has been to make our tax structure more competitive.

We've reduced income taxes so we're no longer in the top 10. We've reduced corporate taxes. We're one of only seven states with a 60 percent exemption for capital gains taxes. We're phasing out the inheritance tax. We've cut the unemployment compensation tax three times, and now have a \$1.2 billion surplus in our unemployment compensation fund. We have one of the lowest workers' compensation rates in the country.

Another change has been a more aggressive effort to sell Wisconsin as a good place to do business. I spend a lot of my time pounding on business doors, often flying out of state, to try to convince companies with expansion plans that they should locate in Wisconsin.

P.R.: How have tax cuts benefitted your economy?

THOMPSON: Lower taxes make it more profitable for business to locate and expand their operations here. They also have an important effect on perceptions of business climate. I find it significant that the new governors of Minnesota and Michigan, Arne Carlson and John Engler, both publicly said they couldn't raise taxes in their states or they would risk losing more businesses and more jobs to Wisconsin.

Our 60 percent exemption for capital gains has been a very good selling point in attracting business. In fact, based on our experience, I would strongly recommend cutting capital gains taxes at the national level. Keeping down taxes on capital gains encourages entrepreneurs to take risks. It gives them the incentive to invest, to expand their operations, and in the process put more people to work. A cut in these taxes is not a break for the rich. It's an inducement for growth and ingenuity.

Our phaseout of inheritance taxes has been especially important. For many years, we suffered a terrible drain as people who really energized the state, the movers and the shakers, were leaving Wisconsin to go to the Sunbelt because of our high inheritance taxes. We were losing both their money and their talents. Phasing out these taxes has turned this around.

P.R.: Wisconsin is one of the few states east of the Mississippi not to confront a serious budget deficit this year. Do you attribute your good fortune mostly to economic growth in the state, or to restrictions on state spending?

THOMPSON: Both. But you can't have economic growth without restrictions on spending.

I used the line-item veto over 600 times in my first four years, and was able to cut over \$200 million in spending. Without those cuts, we would now face a deficit. It has helped me that Wisconsin gives its governor the strongest line-item veto power of any state in the nation. I not only can reduce the spending level for any line item, I can even change some of the wording of legislation as I sign it.

As I use my veto power, I ask four questions about every program. Will this program work? Is it needed? Can we run it a different way to make it more efficient? And can we afford it, given our current financial situation, which I track monthly? If we can't afford it this month or year, then we can wait.

P.R.: New England and Middle Atlantic states are now suffering the kinds of economic problems that seven or eight years ago were associated with Wisconsin and other "Rust Belt" states. What advice would you give their governors about preparing their states for recovery?

THOMPSON: You have to be able to communicate to the business community that the

state is going to be their partner instead of their enemy. When I look at Massachusetts, New York, and other Northeastern states that continue to spend and tax, I can understand why many businesses feel they have to take on not only their local, national, and global competitors, but also their state governments. That attitude has to change.

The governors also have to get involved in international trade. This is where the future growth is. We can no longer sit back in Wisconsin or Minnesota or Massachusetts and hope that we'll be able to create enough markets in our respective states and regions to be able to compete. We have to be able to compete globally with companies from the Far East and the European Community. And that requires governors travelling overseas, and getting business executives to travel with them, to make sure we make the most of export markets.

P.R.: Do last year's federal tax increases make life more difficult for you and other governors?

THOMPSON: They hurt the overall economy, but otherwise don't have a direct effect on the states. A greater difficulty comes from the unfunded spending mandates imposed by Congress. Thanks to a requirement by Congress, Wisconsin has had to spend over \$100 million more on Medicaid for the last two years than we needed to. That's more than \$100 million that we have had to take away from programs to help the poor, or minorities, or even other ways to help the medically needy.

Unfunded mandates stifle initiative and experimentation in the states, our most important laboratories of democracy. Spending \$100 million more on Medicaid may not be what Wisconsin or Michigan or Georgia needs. But they decide in their infinite wisdom, out there on the Potomac River, that they know best. They take the credit for the grandiose bills they pass, and we end up having to pick up the tab.

P.R.: While parental choice in public schools is sweeping the nation, Wisconsin has been a pioneer in experimenting with vouchers that parents can take to private schools. Can you explain how you formed your coalition with State Representative Polly Williams that led to a voucher program for low-income Milwaukee families?

THOMPSON: The most important way to make schools work better is to get parents more involved in their children's education. After all, if parents aren't interested in their children's education, why would the children be interested? I see choice as a way to stimulate more parental involvement and attention.

In my 1988 annual budget, I introduced a parental choice proposal that would have provided vouchers to both sectarian and nonsectarian private schools in Milwaukee. The legislature wouldn't even consider it, so I realized that I was too ambitious and was scaring too many people off.

Meanwhile, Polly Williams and other minority leaders in Milwaukee were proposing a separate black school district in their city. They weren't about to get their proposal through the legislature either. So I met with them, and suggested that they think about choice as a way of achieving their objectives—better schools for their children. We agreed to push for a pilot program for 1,000 students in nonsectarian private schools in the central city of Milwaukee. We needed a Democrat to push for the proposal in our legislature, and Polly Williams became principal sponsor and chief spokesman. The Assembly Minority Leader, Betty Jo Nelsen, a

Republican who is now an official in President Bush's Department of Agriculture, rounded up support from our party. Through this unusual coalition of Republicans and inner-city Democrats, we got our pilot program through the legislature.

The families in the program like it. Former Secretary of Education Lauro Cavazos visited the independent schools and said he couldn't believe how well-adjusted and interested the students were. Vice President Quayle had the same reaction.

One thing I like about the program is that parents have to spend time in the schools. They either have to serve on a committee, or they have to come in and work with the students, including their own children. The parents are happier because they have a real choice of improving the education quality for their children. And the end product, I think, is going to show academic improvement for students who took advantage of this experiment.

P.R.: As Jesse Jackson's state chairman in Wisconsin, and as a woman with strong connections to militant black separatists in Milwaukee, Polly Williams has been an unusual coalition partner for a conservative Republican governor. What are the prospects for conservatives to form similar coalitions in other states?

THOMPSON: The prospect for such coalition is good. What conservatives first have to do is find people who are dissatisfied with the status quo and are willing to talk about radical reform. Then, even if they come out of a political tradition that is not conservative, you explore whether they can meet some of their objectives through conservative ideas.

Polly Williams was so frustrated with the public school system in Milwaukee that she was willing to try anything different. The choice program doesn't go as far as she wants with a separate black district, but she was willing to try it. And unlike the education establishment and the liberal Democrats who were fighting her all the way, we put together a coalition of Republicans and moderate Democrats and independents who wanted to try something new to see if it would work.

There are a lot of people in other States and other communities who really want to change the educational scene. They don't know how to do it, and they don't know whom to talk with. Choice has given us a good sounding board, an issue to talk about and form a relationship that we might be able to build on.

I've made it clear that I don't agree with all of Polly Williams' positions. And she has been less supportive of my welfare reforms than of my education reforms. But I'm glad that we've been able to work together to improve schools for Milwaukee children.

P.R.: Did you have problems with your Republican or conservative supporters as a result of dealing with someone from Williams' background?

THOMPSON: Absolutely not. I spend a lot of time talking with people in the central city, in the labor halls, asking them how they would solve problems. I hear a lot of good ideas. And Republicans appreciate that this approach has paid off at election time. I'm the first Republican to carry Milwaukee County since 1946. I carried 67 of 72 counties last year, and won 25 percent of the black vote as a conservative Republican. So when Republicans saw that my approach was successful, instead of opposing me, they've joined me.

P.R.: How attractive are public school choice and vouchers to politicians looking

to build political support? For example, Governor Perpich's championing of choice did not win him reelection in Minnesota.

THOMPSON: The politician who supports choice or vouchers has to be willing to buck one of the most powerful special interests in our society. The teachers' unions have so much influence on state legislative elections that they have been able to paralyze and suffocate almost every effort at educational reform.

There is a great deal of support for choice from individual citizens, but the educational community is definitely opposed. The teachers are opposed, the superintendents are opposed, the principals are opposed, the school boards are opposed. These special interest groups like the status quo, and don't want to see anybody rock the boat. This makes it very difficult for politicians to stand up and take a position on educational issues.

The greatest support for choice will come from individual citizens, especially poor black parents, who are locked into a mediocre system. You make your headway with people who say, "We want to improve our school system, and choice gives us an avenue to do that, an avenue to deliver better educational quality to our children."

P.R.: Do you think school choice played a big part in your reelections?

THOMPSON: No. My support for school choice helped me in the minority community, but that's only about 5 percent of our population. It didn't hurt me. Overall I don't think it had a tremendous impact on whether I won or lost. The state of the economy was probably much more important.

P.R.: In welfare, as in education, Wisconsin stands out as one of the nation's most interesting laboratories for policy experimentation. How did you prepare the political groundwork for your Learnfare experiment, under which parents whose teen-age children are persistently absent from school lose some of their welfare benefits?

THOMPSON: I pushed for Learnfare as a way to keep teen-agers in school and a way to make welfare recipients more responsible parents. We know that school dropouts stand a 50-percent better chance of ending up on welfare than those with a high school education. It is simple common sense to hold welfare recipients accountable for their kids going to school.

The major opposition has come from the more liberal legislators from Madison and Milwaukee. They think it's unfair to penalize the rest of the family because Johnny or Suzie doesn't want to go to school. My answer is that it is the parents' responsibility to get Johnny and Suzie to school, and that they should lose some of their benefits if they don't live up to their obligation. I call the policy "tough love," and it works. The parents feel more responsible and accountable. More of the children stay in school. Hopefully they will get a high school or vocational education, and then go on to further their training at the university or on the job.

P.R.: Wisconsin was the only state in the country whose welfare rolls went down last year—and indeed, welfare rolls in the state have fallen by over 60,000 over the past four years. Do you attribute this falling caseload primarily to the booming economy, or the changes you're made in your welfare system?

THOMPSON: Both. Obviously the economy is important, and this year as our economy is slowing down a little, our welfare rolls are starting to stabilize. But we're also the leading state for welfare reform. In addition to Learnfare, we have a work experience and job training program that gives welfare re-

cipients the skills necessary to enter the work force, and has become a national model.

To fund some of these pilot programs, I reduced the level of AFDC payments by 6 percent. They were way out of line with other states. Wisconsin was paying 40 percent more than what the same family would receive in Illinois. We're still seeing an in-migration of welfare families into Wisconsin, but not nearly as many as before I was elected governor.

Wisconsin's welfare reform will continue into my second term. We've been granted a federal waiver from a rule that prohibits the head of a family on welfare from working more than 100 hours a month. My budget also includes initiatives to encourage fathers to become financially and emotionally involved in their children's lives.

As it now stands, the federal welfare system discourages teen-age parents from marrying, but neither has work experience, the entire family is ineligible for AFDC. That's ridiculous. Wisconsin will seek a federal waiver to remove this barrier.

My budget also contains a provision that would require unmarried minor mothers to live at home or in an adult-supervised setting. Too often we see 14- and 15-year-olds, still children themselves, attempting to raise their babies without guidance. This proposal brings those young parents back into a family setting so they can learn how to be parents.

I want Wisconsin's welfare system to be more of a transition from public assistance to the work force. That's why I proposed capping the AFDC cash benefit for each family. If the family has another child, additional medical assistance and food stamps would be provided, but the cash grant would not increase. In the working world, families don't receive raises because they have additional children; salaries go up when you put in more hours at work and you're more productive.

Another program that promotes responsibility is the Children First program. This program requires that noncustodial fathers pay their court-ordered child support or participate in our Community Work Experience Program. Children First has worked well as a pilot project in two counties, and I want to expand it statewide.

Additionally I want to expand the Learnfare program to include children ages 6 to 12. There is no reason for a six-year-old to skip school. We should try to instill the value of education and foster the good habit of attending school in young children so that problems can be avoided when they become teen-agers.

P.R.: Wisconsin was at the forefront of Progressivism earlier this century. Do you consider your welfare and education reforms to be consistent with, or in opposition to, the spirit of La Follette and other Wisconsin Progressives from the 1910s and 1920s?

THOMPSON: The Progressive movement was essentially a middle-class movement to make government work. I think our state's middle class today believes our welfare and education reforms are working.

I consider myself a pragmatic conservative who wants to solve problems. I looked at the welfare rolls and saw that we weren't encouraging people to work or stay in school. I came up with Learnfare and Workfare in order to solve those problems. I wanted to improve educational quality in the central city, so I came up with a choiced program. I think that's being pragmatic and coming up

with commonsense solutions to urgent problems.

P.R.: Milwaukee, like many American cities, has been seeing a major crime wave, especially for homicide. What do you think are the major reasons for this crime wave—are we seeing primarily a cultural or spiritual crisis? And what are the most important functions government can play in protecting its citizens?

THOMPSON: Unemployment is high in the central city, and joblessness leads to drugs and crime. We need to rebuild the institutions that hold our neighborhoods together and reinforce values—community groups, small businesses, and schools. We need to stimulate the economy in the central city, and attract more businesses there. This is why I have been a strong proponent of enterprise zones and of minority business programs. Over the long run I think our welfare and education reforms will lower crime figures. But right now we have to address crime by increasing penalties for criminals.

P.R.: You've been chairman of the National Governors Association's committee on international trade. Are you worried by the growth of protectionism here and abroad?

THOMPSON: You cannot develop a country or a state based upon protectionism. You have to be able to trade freely and fairly. You have to be willing to get involved in the international marketplace or you're not going to survive, either as a state, as a business, or as a country. And those people who think that they're going to be able to turn back the calendar and go back to the "good old days" by developing protectionist rules and tariffs are sadly mistaken.

I have been a strong supporter of a free-trade agreement with Mexico, and in fact I suggested one to President Salinas when I met with him in his office in November 1989. He told me that the politics were not correct at that time to consider it, but shortly afterwards he and President Bush issued a joint statement calling for such an agreement.

I was deeply involved in the free-trade agreement with Canada. Now I'd like to see a North American free-trade agreement, with Canada, Mexico, and the United States all joining together. We have to be able to compete with the European Community. One of the best ways is to have a North American trade bloc in place by 1992.

P.R.: What do you see as the most important goals of foreign policy in the post-Cold War period?

THOMPSON: After the Middle East crisis, the most important thing that the Congress and the president can do for future generations is to encourage the free-enterprise system and a fair and free-trade atmosphere in as many countries as possible, especially in the Soviet Union and Eastern Europe. Fair and free trade is the best way to stimulate world peace. Trade opens opportunities not only to expand your businesses, but to learn from each other and to expand your cultures.

P.R.: Who are your political heroes?

THOMPSON: Barry Goldwater got me involved in politics. In my heart I still know he's right. He was cantankerous, but he was direct. He told you exactly what he thought. I try to pattern myself after him in that way.

Abraham Lincoln saved the Union, and started the Republican Party. He had a patriotic spirit, a belief in his country, that was second to none. He believed in the unity of his country and the need to maintain its strength.

My father was just a county board supervisor, but he had more common sense than

just about everybody I've ever met. He used to tell me, "Tommy, you have two ears and one mouth. Use them in that proportion and you'll get along just fine."

[From the Wall Street Journal, Apr. 26, 1991]

A REPUBLICAN WHO'S UNAFRAID TO EXPERIMENT

(By Paul A. Gigot)

It's spring in Wisconsin so two things are running: walleys pike on the Wolf River and GOP Gov. Tommy Thompson in Madison. Democrats know they'll have better luck catching fish.

Wisconsin was the founding place of Progressivism in 1900 (Fighting Bob LaFollette), but the irony of 1991 is that the state's leading progressive now is a conservative. Mr. Thompson, a 49-year-old life-long veteran of government, is succeeding politically with a "reform" agenda. In a state that voted for Michael Dukakis in 1988, Mr. Thompson won a second four-year term in 1990 with 58 percent of the vote. He's the first Republican to carry Milwaukee County since 1946.

It's a cliché to say that states are "laboratories," but with Washington stuck in intellectual gridlock states have also become the main outlet for political daring. Tommy Thompson is a disarmingly down-to-earth rabble-rouser who symbolizes the conservative opportunity to rethink government.

"Most Republicans are too timid to go out and try something," says Gov. Thompson, a native of Elroy, Wis. (pop. 1,500), who looks and talks like a friendly, rumpled uncle. "They should think of it as a chance to reform the system." That system is the barnacled, rusting state created by interest-group liberalism. Mr. Thompson says he sat in the legislative minority for 16 years, watching Democrats "have only one answer: Spend more money. But nothing changed. I thought, 'There has to be a better way.'"

He began by paring back the income tax, phasing out inheritance taxes and preserving a 60 percent capital-gains exclusion. Other governors spent their mid-1980s' surpluses into today's huge deficits. Mr. Thompson passed it back in tax cuts, which stimulated growth and helped keep his budget in balance. He also fought Democratic legislative majorities on spending, using his line-item veto 683(1) times. He's failed to pass much property-tax relief, though he's trying again this year.

Mr. Thompson's most intriguing moves have come on social-policy ground—welfare and education—rarely trod by Republicans. Evan Zeppos, a Milwaukee Democrat, credits Mr. Thompson with understanding that, "There's a policy void out there, to be polite about it." Many liberal Democrats had stopped thinking.

On education, he's led the nation in promoting "choice," even for private schools. His now-famous alliance with Polly Williams, the black Milwaukee Democrat, helped push a pilot plan through the legislature (though unions have since tied it up in court). Now he wants to break up the hide-bound, Milwaukee school district into four smaller, more reformable units.

Mr. Thompson has been even bolder in welfare reform. His Learnfare program required that teen-agers attend school or parents could lose their benefits. This year he wants to extend Learnfare to children ages 6-12. He also wants to refuse to increase benefits to parents who have a second child while on welfare, and to let teenage parents marry without losing welfare (as they do now), among other reforms.

"We're trying to reinforce behavior that leads to success—school, work, families," says Scott Jensen, the governor's chief of staff. Results are a long way from in, but Wisconsin was the only state whose welfare caseload actually fell last year.

Some liberals deride all of this as "bridefare," but the proposals build on two political insights. One is that the public thinks welfare requires some personal responsibility. The other is that conservatives can gain by changing the debate about government from inputs (spending) to outcomes (how many families leave welfare, or school dropout rates).

Part of Mr. Thompson's success so far has come from forging unusual alliances, such as with black Democrats. He won early good will by intervening to settle a Milwaukee school-desegregation dispute. His latest welfare reform is the creation of a black political appointee, Eloise Anderson. In last year's election, such outreach paid off as he won an astonishing 20 percent of the black vote, up from 6 percent in 1986.

Mr. Thompson's popularity leads to questions about other ambitions, such as a 1994 challenge to grocery-store magnate and liberal Democrat, Sen. Herb Kohl. But the governor claims not to have Potomac fever. "Why would I want to give up being a governor, where you can be an executive and actually accomplish something," he says, "to go to Disneyland East over there to be one of 100, where you don't do anything?" Good question.

Civil-rights postscript: In last week's column, I reported that AT&T Chairman Robert Allen belonged to the Baltusrol Golf Club, in Springfield, N.J., which had no black members. An AT&T spokesman later told other reporters the club has at least one black member. An especially gullible writer for U.S. News & World Report attributed my story to "rumors" spread by "business lobbyists."

Mr. Allen's membership in Baltusrol is not a rumor; it's listed in Who's Who. I called the club last week and was referred to Richard Miller, a club vice president, who told me again this week that, although the club does not discriminate, "As of now, we have no black members." I did misunderstand the club's policy toward women; Mr. Miller says it has one woman "equity" member with voting rights.■

SPRING AND MOTORCYCLING

● Mr. McCONNELL. Mr. President, April showers have brought May flowers, and as each morning greets us with new reminders of spring, the cold days of winter seem to swiftly become memories.

Just as we take note of spring's presence, so must we take note of changes on our roads and highways. As every motorcycle enthusiast knows, spring marks the beginning of a new motorcycling season.

Although I am not a motorcyclist myself, I have noticed an increase of riders on our roads and highways during the past few weeks. As one member of my staff who often rides his motorcycle to work remarked, too few automobile drivers seem to notice the increased number of riders on the road.

Mr. President, for the benefit of Kentucky's motorcyclists—and those

across America—let me make two brief suggestions. The first is directed to automobile and truck drivers: Please be alert for motorcyclists. Check your mirrors and look over your shoulder before changing lanes. When you make a left turn, please be sure no motorcyclists are in oncoming traffic.

My second suggestion is for the benefit of motorcyclists: Remember to think safety. Dress appropriately for the road, and anticipate the potential hazards of traffic. Let us make this a safe riding season for everyone.■

● Mr. KASTEN. Mr. President, at a time when education has jumped to the forefront of our national agenda, it is important that we honor Americans who have pointed the way to success in this field.

It is this that I seek to do today—by honoring the achievement of Merlin A. Johnson, superintendent of the Grantsburg School District in Grantsburg, WI.

For over three decades, Merlin Johnson has been an education leader in his community. As a math teacher, as a coach, as administrator of the Nelson School, and finally as superintendent of the school district, Merlin made a difference for the better in countless young lives.

Merlin Johnson helped build the next generation of young Americans. He did a great job—and I ask my Senate colleagues to join me in wishing him well on his well-deserved retirement.■

● Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by \$0.4 billion in budget authority, and under the budget resolution by \$0.4 billion in outlays. Current level is \$1 billion below the revenue target in 1991 and over the 5 years, 1991-95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$326.6 billion, \$0.4 billion below the maximum deficit amount for 1991 of \$327.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 6, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through April 25, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101-508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act,

as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 23, 1991, there has been no action that affects the current level of spending of revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., AS OF APR. 25, 1991

(In billions of dollars)

	Revised on-budget aggregates ¹	Current level ²	Current level +/- aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	-0.4
Outlays	1,132.4	1,132.0	-0.4
Revenues:			
1991	805.4	805.4	0
1991-95	4,690.3	4,690.3	0
Maximum deficit amount	327.0	326.6	-0.4
Direct loan obligations	20.9	20.6	-0.3
Guaranteed loan commitments	107.2	106.9	-0.3
Debt subject to limit	4,145.0	3,351.5	-793.5
Off-budget:			
Social Security Outlays:			
1991	234.2	234.2	0
1991-95	1,284.4	1,284.4	0
Social Security revenues:			
1991	303.1	303.1	0
1991-95	1,736.3	1,736.3	0

¹ The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101-508).

² Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 605(d)(2) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101-508) and in consultation with the Budget Committee, current level excludes \$45.3 billion in budget authority and \$34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; \$0.1 billion in budget authority and \$0.2 billion in outlays for debt forgiveness for Egypt and Poland; and \$0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a \$1.1 billion savings for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101-508), and revenues include the Office of Management and Budget's estimate of \$3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101-509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

³ Less than \$50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS APR. 25, 1991

(In millions of dollars)

	Budget authority	Outlays	Revenues
I. Enacted to previous sessions:			
Revenues			834,910
Permanent appropriations and trust funds	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	-210,616	-210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS deadline for Desert Storm Troops (H.R. Public Law 102-2)			-1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102-16)	2	2	
Disaster emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102-27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102-26)	3	3	

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,
102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL,
FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS APR.
25, 1991—Continued

(In millions of dollars)

	Budget au- thority	Outlays	Revenues
Total enacted this session	3,828	1,406	-1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	-8,572	539	
VI. Economic and technical assumption used by Committee for budget enforcement act estimated	15,000	31,300	-29,500
On-budget current level	1,188,802	1,132,016	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	413	380	1

Note.—Numbers may not add due to rounding.

OUTSTANDING VOLUNTEER PERFORMANCE BY BROWARD COUNTY SENIORS

• Mr. GRAHAM. Mr. President, today I am delighted to have the opportunity to salute the 1991 electees to the Dr. Nan S. Hitchison Broward Senior Hall of Fame. These outstanding volunteers have contributed their time, talents, and love toward benefiting the residents of Broward County.

On May 15, 1990, 10 new members, selected for this prestigious honor, will be at ceremonies celebrating their election, and their names will be added to a commemorative plaque housed in the Broward County government building. The following Floridians will receive awards:

James McColloch has been donating his energy and care to the Wingate Oaks Center School for Retarded and Special Education Students for 8 years. Although Mr. McColloch has suffered several strokes and is handicapped as a result, he continues to serve his church and his fellow man every day of the year.

Sarah Jencks delivers Meals-on-Wheels and is a Cancer Society volunteer and a worker on behalf of Memorial Hospital.

Shirley Adler Silverman is a dedicated member of the area Agency on Aging's Advisory Council, a Medicare counselor, and fundraiser for a mobile medical project known as MediVan.

Evelyn Smith-Gooden has been a volunteer for many years in activities on behalf of the Florida's Ladies' Ministry, Holy Cross Hospital, and alcohol and drug abuse prevention programs.

Sidney Permission is a community activist who has contributed his energy and talents to benefit the physically

handicapped, as well as other social and legislative issues.

Jack R. Chasin volunteers for the cancer hotline and has been a support counselor and board member working daily to respond to the needs of cancer patients and their families.

Lorraine Heller devotes many hours weekly to serve the Areawide Council on Aging Board of Directors, B'nai B'rith Youth, the Girl Scouts, and MediVan.

Hester Lee Bellamy Nelson volunteers at the Northwest Federated Women's Club senior centers, Jack and Jill Nursery School, and other facilities designed to meet human needs.

Rachel Postal offers her abilities to assist frail elders in the Southwest Focal Point senior day care project, as well as the Henderson Clinic and the Jewish Guild for the Blind.

Tillie Rothstein gives of herself to advocacy on behalf of the area Agency on Aging, and continually strives to make life better for all Broward residents through her role as a highly respected leader among local, State, and nationwide legislative entities.

Since May is Older Americans Month, and therefore a time to recognize the pioneers who have helped to build and perpetuate the American dream, I wish to congratulate these 10 magnificent men and women who exemplify one of the Nation's most valuable natural resources, our senior citizens.●

MILLION MINUTES READING CELEBRATION

• Mr. KASTEN. Mr. President, I rise today to honor the students of Owen-Withee Elementary School in Owen, WI, for reaching their 1 million minute reading goal.

With an enrollment of only 397 students in grades kindergarten through grade 6, each student at Owen-Withee had to read an average of nearly 2,500 minutes outside of their school work. This is a tremendous accomplishment and these students deserve to be recognized for their hard work and dedication.

By encouraging America's youth to read, America can only gain in its fight against illiteracy. Mr. President, I am proud of the exemplary students of Owen-Withee Elementary School—and hope that more students will follow their example.●

IN RECOGNITION OF THE ROSWELL HISPANO CHAMBER OF COMMERCE

• Mr. BINGAMAN. Mr. President, I ask my colleagues to join me in recognizing and honoring the efforts of the Roswell Hispano Chamber of Commerce in its commitment to the education of our youth and in particular their efforts in promoting, honoring, and rec-

ognizing the significant contributions of role models from the community.

Today, Flora Vista Elementary School in Roswell, NM, is being renamed Nancy Lopez Elementary School, in honor of the professional golfer who had attended the school as a child. The impact on the minority children who readily identify with Ms. Lopez is very powerful. Many pupils note that this special person completed school and went on to college, and the children report that they, too, would like to take a similar road to success.

The Roswell Hispano Chamber of Commerce has used this opportunity to enhance the economic development of the community and emphasize the importance that education plays in developing economic growth. Keeping the children in school so they may get the skills necessary to join the work force has become a high priority of the organization. Having Nancy Lopez, a PGA World Golf Hall of Famer, recognized for her academic as well as athletic success is a step the chamber took to emphasize the value of education for the community.

Mr. President, this is such a simple gesture of thanks, recognition, and motivation, yet it can play an important role in the growth and development of a community. It is with that thought in mind that I ask my colleagues to join with me in praising the leadership efforts of the Roswell Hispano Chamber of Commerce.●

TRIBUTE TO JOHN WIEBENSON

• Ms. MIKULSKI. Mr. President, the Federal City of Washington is home to our Nation's Capital and a remarkable assemblage of American talent.

One of the true originals is John Wiebenson, one of the first faculty members at the University of Maryland's architecture school. Mr. Wiebenson has made enormous contributions to this city. I want to share with my colleagues a recent article on Mr. Wiebenson, which summarizes well this man of great talent, whimsy, and commitment.

The article follows:

[From Museum & Arts, Washington, April-May 1991]

ARCHI-ANGEL

(By Iris Krasnow)

John Wiebenson removes his round tortoise-shell glasses and sits back in his chair, a flimsy fold-up model. The miniature peg-legged conference table that holds a toy rocket and cement mixer looks like it belongs in a kindergarten. Rusty chains are strewn inexplicably across the dusty, unfinished wood floor; thirsty plants are perched on a fragment of wall relief near his office window that fronts Connecticut Avenue. Instead of gold lettering, he has written his name on a piece of paper and taped it to the door.

He checks his black plastic watch, mumbles something about a deadline, then leaps up from his seat. As he stretches his six-foot-

two-inch body, his olive green T-shirt crawls up his back, revealing the waistband of blue boxer shorts. After clacking off a note on an old electric typewriter, Wiebenson rifles through piles of clutter in search of his glasses. Several minutes later, he discovers them in his pocket. Grinning impishly he says, "Well, how can you expect me to find my glasses without my glasses?"

This is a product of Harvard's school of architecture? A former visiting lecturer at Yale? This is the man who led the fight to save some of Washington's most glorious buildings—the Old Post Office, the Willard Hotel, the National Theatre, the Hotel Washington? You think of a scatterbrained scientist, an aging Beat: the thinning white hair, the broad, weathered face, the khaki jacket, the worn-out sneakers, the stocking cap, the "okey-dokeys" he doles out in his soft, hoarse voice—the residue of a longtime Chesterfield habit he has since quit. But no, this is the Wieb, the 58-year-old pillar of the city's architectural underground, the man who chaired the committee to design Resurrection City for Martin Luther King, Jr.'s "Poor People's Campaign" in 1968, the advocate of "moral architecture."

Moral architecture?

"Bright and shiny new buildings have been pushing us around too long" Wiebenson wrote in 1975. "They knock down our houses. . . . They break up pleasant places to shop and eat and walk. . . . They either grow larger, crowding us even more densely and abrasively together, or, posing as new towns, they pull us too far apart from one another for a real community to form."

"No wonder Ayn Rand had her hero blow up a big new building in 'The Fountainhead.'"

So what type of buildings does he like?

"Barns, in my mind, and industrial buildings for that matter, are very elegant." He laughs abruptly and takes a swig from a bottle of Dominion Lager beer.

According to Mark McInturff, who worked in Wiebenson's office for 10 years before setting up his own practice in 1986, Wiebenson's loose-cannon demeanor masks a tightly orchestrated personality. "This is not the absent-minded professor you think you are getting," says McInturff. "There may be a sense of disarray about the office or about Wieb himself, but don't let that mislead you. He is very, very precise about his words and about his actions—there is an integrity about Wieb that anchors everything around him. Yet the irony of his career is that here is somebody who has had an enormous influence on the city's architecture—you can trace it up and down Connecticut Avenue and Pennsylvania Avenue—but not that many people know him."

People who do know him claim that he walks right past them.

"It drives people crazy because he doesn't recognize anybody on the street except for his wife, children, or the dog," laughs Abigail Wiebenson, his wife of 22 years and the director of the Lowell School, a private nursery and grade school on 16th Street. "They think he's rude. But Wieb isn't walking along thinking, 'Oh gee, am I going to see someone I know and socialize.' He tells me, 'Well, I'm thinking. Abigail. I'm concentrating on other things.' More than anyone else I know, he just has a very rich inner life. I mean this is a guy who reads everything from GI Joe to Aristotle."

Digging through John Wiebenson's 24 years in Washington uncovers how this free and electric spirit has shaped the cityscape. In the '70s, when the Pennsylvania Avenue

planners were calling for the demolition of city landmarks like the Old Post Office, Wiebenson was the key architectural counterforce pressing for their survival. As principal adviser to Don't Tear It Down, the nation's first urban preservation organization, he testified before Congress, compiled a series of studies of the area, and showed them to any decision makers who would let him in the door. He wrote dozens of articles and planted them in local newspapers and professional journals, tweaking the city's emerging old-is-beautiful consciousness.

"Most architects, by the time they die, hope to have made one really good building, just one. To be primarily responsible for saving the Old Post Office is more than most architects accomplish in a lifetime," says Stephen Muse, a former student of Wiebenson's at the University of Maryland and now a partner in Muse Wiedemann.

During the '70s Wiebenson also created "Archihorse," a comic strip that ran in the DC Gazette (now The Progressive Review) depicting a talking horse who expounded on the problems of Washington's planning, or in Wiebenson's words, "projects that would promote Federal pomp at the expense of the city's life." Archihorse was the symbol of his counter-plan to restore "life-giving structures" from Pennsylvania to Massachusetts Avenues and turn those blocks into a residential stretch, rather than put up more concrete egg crates like the FBI building. "But [the planners] were so imbued with visual things they failed to get involved in the social responsibility to that area," says Wiebenson. "It's one thing to throw away social opportunity and community interaction for a thing of beauty, but all they came up with is shiny, now hardware."

While he succeeded in helping to save some famous beauties from the wrecking ball, when it came down to the actual restoration work the lucrative commission and credit went elsewhere. In the case of the Old Post Office, what Wiebenson sowed in a pro bono mission, others reaped in bucks and publicity.

"He never got proper recognition, and the Old Post Office wouldn't be there today if it weren't for Wieb," says art historian and former vice president of Don't Tear It Down, Gretchen Fox. "He would go and testify again and again to the Fine Arts Commission and to the Historic Preservation Review Board. He was someone our organization turned to all the time. And I don't think his name was even mentioned at the dedication ceremony of the building."

Arthur Cotton Moore ultimately got the job, the hefty commission, and the publicity after his own extensive lobbying efforts to save the building.

"I don't really have a sense about John Wiebenson as an architect," offers Moore, when asked his opinion. "I don't know his work other than the amusing things he's written. That's basically what I know about him, other than he's a very nice fellow."

Wiebenson's mark is equally pervasive in Dupont Circle, the quirky pocket of characters and kitsch where he has lived and worked since moving to town from San Francisco in 1967. On the block that has housed his office for 20 years, Connecticut Avenue between R and S, he has helped ward off developers from crushing vintage jewels. Down the street toward P, he was a leader in the fight to block Metro's original plan to knock down a clump of small neoclassical stores adjacent to the Riggs Bank in order to build an elevator down to the station. His most visible foray on the avenue is his most re-

cent, the \$1 million-plus retail building he designed to stand on the rubble of the Junkanoo, an old West Indian bar and restaurant.

"Wieb gives a sense of strength to the neighborhood," says Julia Heflin, a member of the Dupont Circle Conservancy. "There is an Abraham Lincoln quality to him. He's a very modest man, but a very principled man who goes out on a limb for what he believes in. I remember him literally taking me by the hand on a cold, cold night to get a stop order when an addition on a neighboring house would have made my house more vulnerable to break-ins."

When Wiebenson presented his model for the Junkanoo site to Heflin's preservation group many felt it seemed out of place for the area. He was nearly turned down. "A lot of people said it didn't fit into the character of the neighborhood," says Heflin. "I say thank God it didn't. It's such a relief to see this enchanted, airy, almost fairytale structure right in the middle of the urban humdrum."

Wiebenson feels his whimsical building fits right into the neighborhood. "It's a building designed as an entrance rather than a wall—cheerful and buoyant. It fits right in with its neighbors in terms of basic geometry rather than in terms of superficial stylizations. It's like improvisational jazz, picking up the beat of that block without being a superficial copy."

Wiebenson's vision of design that is more space than materials harkens back to the days when he was a gangly kid loping around the fields of Colorado. His father was an "itinerant entrepreneur" whose longest stop-over was outside Denver in Jefferson County where he built greenhouses, married a wrangler named Carla Haley, and had three children, John and his two sisters. Haley's father was a rancher. "I like to think of my forefathers as being gunslinging, wild West types," Wiebenson laughs.

His mother died when he was three. His father, who didn't remarry until Wiebenson was in college, ran a flexible home geared toward fostering his children's independence. "If we wanted to study, that was good or if we wanted to do something else, that was fine too," Wiebenson says. "He was just sort of sympathetic with whatever our own personal interests were." Wiebenson's interests veered toward tractors and chickens and turkeys, and helping his grandfather put up hay with horse-drawn sleds. He used to weld, too: giant Calder-like steel sculptures with an acetylene torch in the old barn on his grandfather's property. He loved that barn, the sight of raw beams and the cavernous rooms.

"You see the whole space, but you also see the pieces that break the space down. Barns speak of what they're made of, and that very act of construction is stimulating to the eyes and the brain. They're just very honest—the act of construction is the design."

"That's what's so poor about so much of this 20th-century East Coast architecture. By the time it's complete, all the inside structure is hidden."

Wiebenson was sent to high school at a small Colorado military school because the curriculum was more worldly than the local public school. There he reveled in taking jumps on horseback and stabbing dummies with sabers—old warfare practices then taught to military students. He also developed a passion for physics: "Oh yea, I discovered that solving problems and puzzling over the relationships of physical objects is just a lot of fun. But I soon discovered that to be a physicist you have to do an awful lot of fid-

ding with things in a very prissy way that I don't find easy to do. It's the difference between, say, rough carpentry and fine cabinetmaking. I'm afraid I'm more of a rough carpenter."

Between horsy games and beating around the Colorado hills in his 1936 Ford roadster, Wiebenson managed to ace his classes and get accepted at Harvard. He says making the decision to go there was easy: "I looked at a map and saw that one of the furthest places you could get from Colorado was Massachusetts. It was almost a whole continent away." After a boyhood spent in a dry and desolate landscape, Wiebenson was captivated by East Coast cities crammed with people, the rhythm of rowhouses, and a climate thick with damp air. "I couldn't get over the idea of a city," Wiebenson says, his eye popping out like a child at show-and-tell. "That you could go to a movie or you could go for a walk and there would be lights and there would be dense rowhouses alive with bustle and activity."

McInturff relays that the one-time country boy became the quintessential urban animal. "When you go for a walk with Wieb, you don't walk in the street, you walk in the alleys. He likes the backs of buildings. He says it's a livelier sort of visual stimulus. He doesn't subscribe to a newspaper because he believes in the ritual of going out to get a newspaper. The city is at the core of his existence; he uses the city in probably the most complete way of anybody I know."

"You know, he hasn't changed one bit since when I first met him in 1968—the way he dresses or the way he is. There's something historically hip about Wieb."

After college, he was drafted into the U.S. Army and sent to a base near Monterey. He hated the army, but spent that formative period of his youth hitchhiking along the California coast and mingling with the colorful tribes of San Francisco and Berkeley. Those were the pre-hippie days of the Beats.

Was the Wieb a Beat?

He cracks up. "No, I was a GI. I couldn't be walking around in a raggedy sweatshirt. I had to wear a uniform and polish my boots. The army was awful. I had this terrible fear—supposing I died and then maybe my family would think that they should bury me in my uniform and I would have to be in it forever." As soon as his term was over, he headed back to Cambridge and enrolled in Harvard's architecture program in the Graduate School of Design. "I really like college towns," he says. "They're a high point of civilization."

Armed with a master's degree in architecture, he again got a hankering to "travel to the furthest point in the country from where I was." So he ping-ponged back to the Bay Area, and over the next several years Wiebenson worked for about a dozen different firms, some big and fancy such as Skidmore Owings & Merrill, and others small and fancy such as Charles Moore. At one point, he started up his own partnership specializing in houses. In the spectacular terrain surrounding San Francisco, his small firm called Agora—Portuguese for "space"—did things like redwood tower houses wedged between trees. He became entrenched in the California school of wrapping architecture around nature. Wiebenson calls Moore, the 1991 American Institute of Architects Gold Medal recipient for outstanding contributions to the profession, a mentor: "Because he looked at architecture as an expression of cheerfulness and joy."

By 1967, when the Bay Area rocked with protests, Wiebenson was recruited by John

Hill, the founding dean of the University of Maryland architecture school, to become one of its first faculty members. He got more action than he could have ever imagined. As his first major project in town, Wiebenson headed up a team of architects as the master designer and planner of Martin Luther King, Jr.'s Resurrection City. It was the last stop of King's Poor People's Campaign, just weeks after his assassination.

King had a plan that he hoped would force the federal government to take notice of the nation's poverty. He brought poor people from across America to Washington to set up temporary housing on the Mall, smack in Congress' backyard. For Wiebenson, working with the carpenters, plumbers, and electricians on the construction of plywood tents for some 2,800 inhabitants was a logistical nightmare. But, as he says, "I loved the turmoil of putting a city on the Mall and doing it for a higher purpose."

Former students at the University of Maryland say Wiebenson's role at Resurrection City and his commitment to social architecture greatly enlarged their view of the profession. They remember that this laid-back "even slightly ratty looking" character who drove around campus in an old Volkswagen and wore tiny John Lennon glasses taught them to be motivated by the integrity of a project, not the size of commissions.

It was during the height of political ferment in Washington that he married Abigail Bayles, the daughter of proper Episcopalians from Pittsburgh. A Smith College graduate, Abigail had been teaching school outside San Francisco. Their first encounter was unforgettable: "I thought he was the most peculiar man I had ever met," says Abigail, an effusive, striking woman with sculpted cheekbones and a rich contralto voice. "He got out this National Geographic, and he was telling me how he hadn't traveled much. He would turn a page and say 'I want to go there,' turn the next page and say, 'I want to go there.'" She erupts in a great gale of laughter. "He really was odd, but there was something appealing about him."

On her way back to California, she stopped in Washington at Wiebenson's invitation. Having seen her only three times before in his life, he proposed. That was August, and they were married in October. She was 28, and he was 36.

One tradition that has sprung up over the years gives an example of their nonconformist family life. "Wild Man Night" is a primitive feast that has taken place with the regularity of a Sabbath ritual. When his three boys were very young and turned off to table manners, Wiebenson initiated a policy that on Friday nights all etiquette rules would be shoved aside. He would grill steaks and potatoes, and the boys could eat everything with their hands. "The boys' friends used to live to be invited to our house for Wild Man Night," says Abigail.

"Wieb is absolutely idiosyncratically Wieb and the world has to adjust to him. He certainly is not going to adjust to the world. The only hard part comes when you just sort of say to him 'God, Wieb, couldn't you just be normal for once?'"

The uncompromising steak can make him challenging to work with, remembers Gretchen Fox of the Don't Tear It Down days. "I don't think Wieb has ever compromised on anything in his life that he believes in strongly, and as a result, he can be very hard to work with."

His unwillingness to conform has even cost him jobs. Ken Jadin, an architecture professor at Howard University who served as vice-

chairman of the Resurrection City planning committee, tells this story of the big fish that got away: "During the '70s Wieb and I were asked to do a proposal for an urban design contract out in Greenbelt," Jadin starts out. "Wieb wrote the proposal, and he has a very unpretentious vocabulary, very simple. Well, the head of planning for this project said our proposal didn't have the professional image he was after. We asked him what that meant and he said 'You say things like, we're going to go and talk to people and find out what they want and need. And all the other firms said we are going to engage in professional dialogue and arrive at a formulation of goals and strategies.'" Jadin cracks up laughing. "When he told Wieb this on the phone, Wieb just said, 'Okeydokey' and he hung up."

Wiebenson explains that refusing to bend to others' expectations provides a buffer to potential problem clients. "The rustic office and my informal dress, this is how I'm the most comfortable and the most honest to myself. And I wouldn't want to dress up just to try and fool people into thinking I'm someone else."

As McInturff puts it: "He knows he deserves major commissions but he's unwilling to do what in this town would result in those commissions. He's not a club member. He's not a networker. He's not a schmoozer."

In the wake of his long-running Old Post Office-Pennsylvania Avenue crusade, Wiebenson was asked to be part of a team tapped to design the Takoma School, a D.C. public grade school facility in Takoma Park. Wiebenson was instrumental in saving existing trees and pioneering new building concepts. The school's large exterior tiles of suns and globes and animals are Wiebenson's invention. So was the huge snake coiled in bright colors on the Horace Mann School playground. He is currently working on new buildings for the Langley High School in McLean where, following Thomas Jefferson's layout for the University of Virginia, he has utilized canopies to shelter the walkways between buildings.

His longest running project is his own S Street home, a virtual indoor treehouse of Douglas Fir posts with a three-story atrium. This house he's been working on for 17 years is a mirror of Wiebenson himself—playful and full of eccentric surprises. The tiniest of bathrooms is wedged under the narrow stairs leading to rough cross beams perched above the living room like something out of Robinson Crusoe. Closets cantilever over the clerestory space, the roof garden is overgrown with raspberries, grapevines, and wisteria. Funky Wieb memorabilia is everywhere—an old cane collection in the corner of the master bedroom, a horse collar tacked near the fireplace, pictures of the strapping Wiebenson sons, now ages 18, 17, and 12, decked out in Davy Crockett gear. "The concept of this house and the atmosphere he creates here—that's really the most important thing in his life," says Abigail.

Early in their marriage, Abigail was baffled by his refusal to play the corporate game that would have expedited his ascent. One night, she finally demanded to know what guided his professional strategy: "He said, 'The only thing I really care about is having enough work that I can make money to take care of my family, and having the kinds of jobs where the second one isn't the same as the first.'"

Wiebenson's philosophy hasn't changed much over the 20-odd years since he made those remarks. He still likes the anonymity, and he's proud of not being an architect of the Washington name-brand variety.

"I think it's sufficient that I know what's mine. I'd rather go down the street as just another human being without being disturbed by people saying, 'There goes John Wiebenson, who did that building.' I think all to often you pay a penalty for that kind of stuff. I should be mature enough to enjoy the accomplishment without having the adulation. Right? Shouldn't architects be able to do that?"

HONORING BROOKS STEVENS

• Mr. KASTEN. Mr. President, all of Wisconsin joins me in wishing a happy 80th birthday to one of our most distinguished citizens—Brooks Stevens of Milwaukee.

For the past half century, the inspired vision of Brooks Stevens of the Milwaukee Institute of Art and Design has enriched Wisconsin's image and reputation as a worldwide leader in business and industrial innovation.

Let me say how proud we all are of Brooks and his achievement. He has made the lives of millions more exciting.

I share the hope of countless Wisconsinites that the Brooks Stevens Design Center will continue his excellent work—and join in sending my warm regards on Brooks's 80th birthday. •

LANGUAGE BARRIERS

• Mr. SIMON. Mr. President, there is a growing realization in the business community that American education is going to have to pay more attention to foreign languages.

But the needs are in a variety of areas, as I have pointed out before on this floor.

One of these are highlighted in a story in USA Today written by Sharon Donovan with the heading: "Language Barriers Hinder Health Care."

What her article says is that, literally, lives are at stake because people cannot communicate.

We ought to be assisting those who live in our country who cannot speak English to learn the language, but we also ought to be assisting Americans to become fluent in other languages so that we can communicate for business reasons, for security reasons, for cultural reasons and, as this article illustrates, for health reasons.

I ask that Sharon Donovan's article be printed in the CONGRESSIONAL RECORD.

The article follows:

LANGUAGE BARRIERS HINDER HEALTH CARE

(By Sharon Donovan)

NEW ORLEANS.—U.S. hospitals are being flooded with immigrants who can't speak English well enough to communicate what's wrong with them and aren't getting adequate treatment, doctors reported at a week-end meeting.

"Without getting an accurate reading, doctors are shooting in the dark and relying on batteries of tests," says Dr. Eric Hardt, Boston City Hospital. This delays treatment and

adds to costs, says Hardt, who spoke at the meeting of the American College of Physicians.

Dr. Robert Putsch, University of Washington, agrees. "Words English-speaking patients throw around to describe conditions, like hypertension or allergies, often do not have equivalents in languages such as Vietnamese."

Census figures show the U.S. population grew by 24 million from 1980 to 1990, including 8 million immigrants, two thirds from Latin America and Asia. No data exist on how many hospitals provide interpreters, Hardt says, but in 1990, his hospital used interpreters 17,600 times for 24 languages.

The Joint Commission on Accreditation of Hospitals also recently adopted rules requiring help for patients with language barriers.

Hardt says more hospitals must recruit bilingual and bicultural staff and provide interpreters trained in cultural issues. Also, he says, costs should be reimbursable and covered by insurance. •

RULES OF PROCEDURE OF COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

• Mr. BURDICK. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate I submit the rules of procedure for the Committee on Environment and Public Works for the 102d Congress.

The rules follow:

RULES OF PROCEDURE OF THE COMMITTEE

Rule 1. Regular Meeting Days: The regular meeting day of the committee shall be the first and third Thursday of each month at 10:00 A.M., except that if there be no business before the committee, the regular meeting shall be omitted.

Rule 2. Committee Meetings: Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman, after consultation with the ranking minority member. Subcommittee meetings shall be called by the chairman of the respective subcommittee, after consultation with the ranking minority member. Notice of a meeting and the agenda of business to be discussed by the committee will be provided to all members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking minority member. Such 24-hour notice may be waived in an emergency by the chairman, with the concurrence of the ranking minority member.

Rule 3. Open Committee Meetings and Legislative Mark-up Sessions: Meetings of the committee, including hearings and legislative mark-ups, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of rule XXVI of the Standing Rules of the Senate (as amended by Senate Resolution 9, 94th Congress).

Rule 4. Presiding Officer: (a) The chairman shall preside at all meetings and hearings of the committee except that in the absence of the chairman the ranking majority member who is present at the meeting shall preside.

(b) Subcommittee chairmen shall preside at all meetings and hearings of their respective subcommittees, except that in the absence of the subcommittee chairman, the ranking majority member of the subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed by subsections (a) and (b), any member of the committee may preside over the conduct of a hearing.

Rule 5. Quorums: (a) Except as provided in subsections (b) and (d), five members, two of whom shall be members of the minority party, shall constitute a quorum for the conduct of business, except for the purpose of reporting any measure or matter.

(b) Quorums for the conduct of business by the subcommittees shall be a simple majority of the membership of the subcommittees with at least one minority member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business, the committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 6. Proxy Voting: (a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the committee or any subcommittees. Any member who is unable to attend the meeting may submit a vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent committee member has been informed of the matter on which the vote is being recorded and has affirmatively requested that such vote be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the chairman, after consultation with the ranking minority member, members who are unable to be present and whose vote has not been cast by proxy may have their positions recorded on any vote on the same business day so long as the vote will not change the outcome.

Rule 7. Public Announcement of Vote: Whenever the committee, by rollcall vote, reports any measure or matter, or acts upon any measure or amendments thereto, the report of the committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

Rule 8. Announcement of Hearing: The committee, or any subcommittee thereof, shall make public announcement and provide notice to members of the date, place, time, and subject matter of any hearings to be conducted on any measure or matter, at least one week in advance of such hearing, unless the committee chairman, or subcommittee chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin such hearing at an earlier date in which event not less than twenty-four hours notice shall be given.

Rule 9. Statements of Witnesses at Hearings: (a) Each witness who is scheduled to testify at any hearing of the committee, or any subcommittee thereof, shall file a written statement of proposed testimony not later than noon of the last business day preceding the day on which such witness is scheduled to appear. At the time of appearance, each witness shall supply for the use of the committee or subcommittee, 25 copies of any prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness confine any oral presentation to a summary of a written statement.

Rule 10. Regularly Established Subcommittees: The committee shall have five regularly established Subcommittees as follows:

Subcommittee on Water Resources, Transportation, and Infrastructure

Subcommittee on Environmental Protection

Subcommittee on Superfund, Ocean and Water Protection

Subcommittee on Nuclear Regulation

Subcommittee on Toxic Substances, Environmental Oversight, Research and Development

Rule 11. Subcommittee Membership: Following consultation with the Majority Members and the Ranking Minority Member of the Committee, the chairman shall announce selections for membership of the subcommittees referred to in Rule 10.

Rule 12. Environmental Impact Statements: No project or legislation proposed by the Administration shall be approved or other action taken on such project or legislation unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

Rule 13. Project Approvals: (a) Whenever the committee authorizes a project, under Public Law 89-298, Rivers and Harbors Act of 1965, Public Law 83-566, Watershed Protection and Flood Prevention Act, or Public Law 86-249, Public Buildings Act of 1959, as amended, the chairman shall submit for printing in the Congressional Record, and the Committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(b) Proponents of committee resolutions shall submit appropriate evidence showing need for review or reports on river and harbor and flood control projects.

Rule 14. Naming of Public Facilities: No building, structure or facility authorized by the committee, shall be named for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

Rule 15. Building Prospectuses: (a) The committee shall act on all prospectuses for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition submitted by

the General Services Administration in accordance with section 7(a) of the Public Buildings Act of 1959, as amended, and such action shall be completed by the date of May 15 during the same session in which such prospectuses are submitted to Congress. The committee may consider prospectuses submitted for alterations or repairs necessitated by emergency building conditions at any time during the same session of the Congress in which they are submitted. Prospectuses rejected by majority vote of the committee or not contained in any bill reported to the Senate shall be returned to the GSA and must then be resubmitted in order to be considered for action by the committee during the next session of the Congress.

(b) Reports of building project surveys submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, shall not be considered by the committee as being prospectuses subject to approval by committee resolution in accordance with section 7(a) of that Act. Projects described in such survey reports shall be considered for committee action only if they are submitted as prospectuses in accordance with section 7(a) and they shall be subject to the provisions of subsection (a) of this rule.

Rule 16. Broadcasting of Hearings: Public hearings of the committee, or any subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the chairman through the chief clerk. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or staff on the dais, nor with the orderly process of the hearing.

Rule 17. Amendment of Rules: The rules may be added to, modified, amended, or suspended by a majority of the Committee Membership.

NUREMBERG REUNION

• Mr. BOND. Mr. President, I rise today to recognize the former members of the staff of the United States for the prosecution of the major German war criminals before the International Military Tribunal and the 12 subsequent trials at Nuremberg, Germany, at the end of World War II. This group recently held their reunion in Washington, DC, at which time they drafted a resolution outlining the action they felt should be taken against Saddam Hussein and his associates in the invasion of Kuwait.

Mr. President, I ask that the resolution as drafted by the following members: Smith W. Brookhart, Nicholas Doman, Daniel F. Margolies, Charles A. Horsky, Walter J. Rockler, Henry T. King, Jr., Benjamin B. Ferencz, Walter E. Brudno, and Whitney R. Harris, be printed in the RECORD.

The resolution follows:

RESOLUTION

Recalling, that the Charter and Judgment of the International Military Tribunal declared that individuals found guilty of crimes against peace, war crimes or crimes against humanity are punishable regardless of their official positions, and noting that

the General Assembly of the United Nations, of which Iraq is a member, has affirmed unanimously the principles of International Law recognized the Charter and Judgment of the International Military Tribunal, and

Noting, that the Geneva Conventions of August, 1949, to which Iraq is a signatory, set forth explicit restrictions upon, and requirements for treatment by, belligerents of prisoners of war, hostages and civilians and prohibit destruction of property not justified by military necessity, and

Believing, that there is substantial credible evidence that the leaders of Iraq have planned, initiated and waged Aggressive War against Kuwait and that, in the course of that war, they and numerous individuals have committed acts declared to be crimes under principles of International Law, have violated the provisions of the Geneva Conventions and have breached obligations imposed upon them as members of the United Nations,

Convinced, that failure to investigate, prosecute and punish the perpetrators of these crimes would seriously diminish the stature of the United Nations and undermine International Law as a force for prevention of Aggressive War and related crimes.

Urge, that the United Nations, the United States and its coalition partners and all peace-loving nations take all appropriate action to investigate, indict, prosecute and punish those Iraqi nationals who have planned and prosecuted an Aggressive War against Kuwait or committed War Crimes or Crimes Against Humanity in the course of that war in violation of the Nuremberg Principles, the United Nations Charter, the Security Council Resolutions or International Conventions of which Iraq is a signatory.

Adopted at a reunion held in Washington, DC, March 23, 1991.●

EUROPEAN COOPERATION—A SECOND OPPORTUNITY FOR THE UNITED STATES

• Mr. SIMON. Mr. President, one of the most thoughtful members that I served with in my 17 years in Congress was Henry S. Reuss, the Congressman from Wisconsin who chaired the House Committee on Banking, Finance and Urban Affairs. At one point, he also was chairman of the Joint Economic Committee.

Recently, he gave a talk before the American Society of International Law, which was meeting on the general topic of regionalism. His suggestion of using the Conference on Security and Cooperation in Europe [CSCE] much more, so that we involve Eastern Europe in the process of establishing a world of greater stability, makes much sense.

Our colleague, Senator JOE BIDEN, has suggested much the same.

The former Congressman also suggests merging the Organization for Economic Cooperation Development [OECD] into the CSCE.

Once again, not to anyone's surprise who has known Henry Reuss, he comes up with a very practical device to inch us in the right direction.

I urge my colleagues to read the Reuss remarks, which I ask to have printed in the RECORD.

The remarks follow:

EUROPEAN COOPERATION—A SECOND
OPPORTUNITY FOR THE UNITED STATES?

(Remarks of Henry S. Reuss at American Society of International Law, Mayflower Hotel, Washington, DC, April 16, 1991)

Globalism and regionalism, says the title of this conference, which horse should we back? In fact, we've currently got bets on both. What could be more global than a revived UN and a New World Order? What more regional than free trade area agreements, in esse with Canada and in posse with Mexico?

The truth is that we should not be compelled to choose between globalism and regionalism. Instead, we should seek opportunities where elements of both can be combined to work toward a peaceful and cooperative world order in which trade and investment can thrive.

Such an opportunity, I believe, is now presented by the possibility of new institution-building in Europe, both West and East. Here, in this century, was the scene of two World Wars and a Cold War, and of our backing of the Marshall Plan, NATO, and the European Community. Here, today, is turbulence—in the West, a united Germany and an accelerated movement toward unity; in the East, disintegration in the Soviet Union and Yugoslavia and perhaps elsewhere, birth pangs of democracy everywhere, the economic strains of transition to free markets, ethnic turmoil.

The United States, preoccupied since last August by the War in the Gulf, has seen its European influence and interest at its lowest level in 50 years. Of course our predominant role of earlier decades is not needed or wanted. But modesty does not require us to become irrelevant. We have done too little to build an institution that could help to keep burning the liberating flame lighted in Eastern Europe in 1989.

Happily, such an institution lies ready at hand in the Conference on Security and Cooperation in Europe, founded at Helsinki in 1975 and made up of the 32 countries of west and east Europe, plus ourselves and Canada. The Paris summit meeting of CSCE in November, 1990, modestly upgraded the organization, giving it a non-elected parliamentary assembly (whose 245 members have just held their first session in Madrid). There will shortly be a CSCE secretariat in Prague, an election-monitoring office in Warsaw, a cooperative venture in human rights with the Council of Europe in Strasbourg, and a conflict-prevention center in Vienna.

But the Administration is reluctant to breathe additional life into CSCE. This derives not only from our preoccupation with the Middle East but from our nostalgic hope that a U.S.-led NATO, for 40 years the container of Soviet aggression in Europe, will somehow find a new mission—much as the March of Dimes kept right on going after the collapse of polio.

We would be much better off if we forgot about U.S. hegemony in Europe, let NATO recede to its diminished role, and used the existing CSCE building-blocks to transform CSCE into an effective instrument. A U.S. scenario for strengthening CSCE might include two central points:

1. For economics, merge the Organization for Economic Cooperation and Development into CSCE. The 30-year-old Paris-based OECD has done good work, but without membership from the East it misses the chance for the greatest venture in cooperation since the Marshall Plan. For its part, the CSCE, if it is to carry out its economic mission, needs the aid, advice, and coordina-

tion which OECD is uniquely equipped to give. To complete the Marshall Plan analogy, the wealthier OECD countries would provide the coordinated aid which the U.S. alone was able to offer in the Marshall Plan; and the poorer Eastern European countries would be asked to plan their economic futures jointly, as the war-ravaged Western European countries were asked to do in 1949. It should be remembered that General Marshall asked the countries of Eastern Europe also to participate in the Plan, and that they were in the act of accepting when Stalin intervened. Now is our second opportunity, and we should not miss it.

Merger of OECD into CSCE offers two additional advantages. It would bring into the Helsinki group the Pacific democracies of Japan and Australia/New Zealand, long-time OECD members. A CSCE concerned with a Europe stretching from Iceland to Vladivostok needs outriggers not just in a U.S./Canada Atlantic but in a Pacific equally able to provide examples in economics and democracy. Eastern Europe, commendably, does not want to live by bread alone; but it does need bread, and Japan, defensive about its modest role in the War in the Gulf, is in a good position to give it.

A second advantage of an OECD-CSCE merger would be to lessen the bureaucratic duplication and turf-fighting inherent in two organizations with the same economic mission, as is the case today.

2. For democratic participation, make the new CSCE parliamentary assembly directly elected. The new 34-nation "legislature" of government appointees set up by the Paris summit is doomed to fatuity unless it is altered so that the representatives are chosen by the people themselves. Only when the European Community's Parliament was changed from a bureaucracy into an elected parliament ten years ago did the Community begin to move. Powers of such an elected CSCE assembly could initially be simply over the organization's budget, but could be expanded as experience justified. Popular election to the CSCE assembly would bring special benefits to the people of the Eastern European countries—a standard of democratic electoral procedure, and an incentive to look outward from narrow national borders.

With its secretariat in Prague, its conflict-prevention center in Vienna, its elections office in Warsaw, its human rights monitor in Strasbourg, its economic office in Paris, and its elected parliament rotating for the time being, the Organization (no longer just Conference) on Security and Cooperation in Europe would be ready for real business. And the U.S. would be placing its bets for a New World Order not on obsolescing NATO but on a coalescing CSCE.♦

THE KANSAS STATE UNIVERSITY
DEBATE TEAM

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 120, a resolution commending the Kansas State University debate team, submitted earlier today by Senators DOLE and KASSEBAUM.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 120) to commend the Kansas State University debate team.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 120

Whereas all Kansans can take pride in the achievements of the Kansas State University debate team—thirteen of the fourteen team members are Kansas residents who have graduated from Kansas high schools.

Whereas the undefeated team of Richard McCollum and David Filippi won the national title by defeating the University of California at Los Angeles in the final round of the National Cross Examination Debate Association.

Whereas the team set the national record for the highest total wins at individual tournaments during the season.

Whereas six teams were successful in qualifying for the elimination rounds.

Whereas Martin Horn and Dan Molden were selected for the roster of the top ten individual speakers during the tournament, along with Richard McCollum and David Filippi.

Whereas this championship is one in a long line of recent accomplishments for the students at Kansas State University.

Whereas Kansas State ranks in the top 1 percent of all U.S. universities, public or private, in the number of students to receive Rhodes scholarships.

Whereas Kansas State is the only public university to have two Rhodes scholars in 1990 and two Marshall scholars in 1991.

Whereas Kansas State is also first in the Big Eight in the number of Marshall scholars over the past 10 years and tied for first place for the highest number of Truman scholars.

Whereas Kansas, and the Nation, will continue to benefit from the continued commitment to excellence at Kansas State University: Therefore, be it

Resolved, That today the United States Senate pays tribute to the Kansas State University debate team, winners of this year's national debate championship.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INFANT MORTALITY AWARENESS
DAY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 194, a joint resolution designating May 12, 1991, as "Infant Mortality Awareness Day," just received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 194) designating May 12, 1991, as "Infant Mortality Awareness Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SHELBY. Mr. President, I rise today to support legislation regarding the Nation's infant mortality rate. I am pleased that my colleague from Alabama, Mr. HARRIS, has introduced this legislation in the House of Representatives.

This legislation will designate Mother's Day, May 12, 1991, as "Infant Mortality Awareness Day." It is my hope that this legislation will make more Americans aware of our Nation's deplorable infant mortality rate. I believe that our educational efforts are helping. In the past year, our national rate of infant mortality has improved. It is my hope that this year, our Nation will continue this progress.

My home State of Alabama has consistently been one of the States with the highest infant mortality rates in the Nation. I am troubled by the fact that in the past 5 years the infant mortality rate in Alabama has exceeded that of many Third World nations. It is my hope that the passage of this measure will encourage more individuals in my State and elsewhere to dedicate themselves to saving infants and their mothers. It is alarming that so many babies continue to die needlessly in a Nation of such immense wealth. On Mother's Day this year, I would like for more people to be mindful of the importance of the birth of healthy babies to healthy mothers.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 194) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. METZENBAUM. I move to reconsider the vote.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STAR PRINT OF S. 279

Mr. METZENBAUM. Mr. President, I ask unanimous consent that S. 279 be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican leader, pursuant to section 2553 of Public Law 101-647, appoints Mr. Neal S. McCoy, of Virginia, to the National Commission on Financial Institution Reform, Recovery, and Enforcement.

RECESS UNTIL TOMORROW

Mr. METZENBAUM. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as under previous order until 12 noon, Wednesday, May 8.

There being no objection, the Senate, at 6:16 p.m., recessed until Wednesday, May 8, 1991.